

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY,
BOARD OF ALTERNATIVE HEALTH CARE, BOARD OF ARCHITECTS, BOARD
OF ATHLETICS, BOARD OF BARBERS AND COSMETOLOGISTS, BOARD OF
CHIROPRACTORS, BOARD OF CLINICAL LABORATORY SCIENCE
PRACTITIONERS, BOARD OF DENTISTRY, STATE ELECTRICAL BOARD,
BOARD OF FUNERAL SERVICE, BOARD OF HEARING AID DISPENSERS,
BOARD OF MEDICAL EXAMINERS, BOARD OF NURSING, BOARD OF NURSING
HOME ADMINISTRATORS, BOARD OF OCCUPATIONAL THERAPY PRACTICE,
BOARD OF OPTOMETRY, BOARD OF OUTFITTERS, BOARD OF PHARMACY,
BOARD OF PHYSICAL THERAPY EXAMINERS, BOARD OF PLUMBERS, BOARD
OF PRIVATE SECURITY PATROL OFFICERS AND INVESTIGATORS, BOARD OF
PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS,
BOARD OF PSYCHOLOGISTS, BOARD OF PUBLIC ACCOUNTANTS, BOARD OF
RADIOLOGIC TECHNOLOGISTS, BOARD OF REAL ESTATE APPRAISERS,
BOARD OF REALTY REGULATION, BOARD OF RESPIRATORY CARE
PRACTITIONERS, BOARD OF SANITARIANS, BOARD OF SOCIAL WORK
EXAMINERS AND PROFESSIONAL COUNSELORS, BOARD OF SPEECH-
LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, BOARD OF VETERINARY
MEDICINE, BOILER OPERATING ENGINEERS PROGRAM, CONSTRUCTION
BLASTERS PROGRAM, CRANE AND HOISTING OPERATING ENGINEERS
PROGRAM, FIRE PREVENTION AND FIREWORKS WHOLESALERS PROGRAM,
AND LICENSED ADDICTION COUNSELORS PROGRAM
OF THE STATE OF MONTANA

In the matter of the proposed transfer and) NOTICE OF PUBLIC
amendment of ARM 8.2.208, adoption of NEW) HEARING ON PROPOSED
RULES I through XIV, amendment of ARM 8.11.101,) TRANSFER AND
8.11.114, 8.11.115, 8.11.118, 8.32.306, 8.32.402,) AMENDMENT, ADOPTION,
8.32.410, 8.32.411, 8.32.425, 8.32.426, 8.32.1501,) AMENDMENT, AND
8.32.1509, 8.32.1510, 24.111.401, 24.111.2101,) REPEAL
24.111.2102, 24.111.2103, 24.111.2301, 24.114.401,)
24.114.406, 24.114.2101, 24.117.402, 24.117.406,)
24.121.401, 24.121.603, 24.121.609, 24.121.2101,)
24.122.401, 24.122.515, 24.126.401, 24.126.2101,)
24.129.401, 24.129.602, 24.129.610, 24.131.405,)
24.131.501, 24.135.402, 24.135.2101, 24.138.301,)
24.138.402, 24.138.517, 24.138.518, 24.138.530,)
24.141.405, 24.141.2101, 24.141.2102, 24.144.404,)
24.144.502, 24.144.2102, 24.147.401, 24.147.505,)
24.147.1313, 24.150.301, 24.150.401, 24.150.505,)
24.150.2101, 24.150.2201, 24.156.601, 24.156.615,)
24.156.617, 24.156.805, 24.156.808, 24.156.1002,)
24.156.1004, 24.156.1302, 24.156.1305,)
24.156.1402, 24.156.1411, 24.156.1605,)
24.156.2717, 24.156.2719, 24.156.2731,)
24.162.420, 24.162.2101, 24.165.401, 24.165.407,)
24.168.401, 24.168.2101, 24.171.401, 24.171.2101,)

24.174.401, 24.174.1402, 24.174.2103, 24.174.2107,)
24.177.401, 24.177.410, 24.177.504, 24.177.2101,)
24.180.401, 24.180.410, 24.180.607, 24.180.707,)
24.180.2101, 24.182.401, 24.182.511, 24.182.513,)
24.183.404, 24.183.2101, 24.183.2103, 24.189.401,)
24.189.407, 24.189.2107, 24.201.410, 24.201.2101,)
24.204.401, 24.204.404, 24.204.2102, 24.207.401,)
24.207.517, 24.207.2101, 24.210.401, 24.210.635,)
24.210.661, 24.210.667, 24.210.801, 24.210.825,)
24.210.835, 24.210.836, 24.210.1020, 24.213.401,)
24.213.403, 24.213.412, 24.213.2121, 24.216.402,)
24.216.2101, 24.219.401, 24.219.405, 24.219.615,)
24.222.401, 24.222.2102, 24.225.401, 24.225.510,)
24.225.511, 24.225.515, 24.225.550, 24.225.709,)
24.225.750, and 24.225.925, and REPEAL of)
24.121.609, 24.156.602, 24.183.2104, and)
24.225.515)

TO: All Concerned Persons

1. On March 20, 2006, at 10:00 a.m., a public hearing will be held in room 489, Park Avenue Building, 301 South Park, Helena, Montana to consider the proposed transfer and amendment, adoption, amendment, and repeal of the above-stated rules. ARM 8.2.208 which pertains to renewal dates and requirements is proposed to be transferred and amended. The proposed new rules pertain to purpose, definitions, fees, licensing, renewal notification, and renewed, lapsed, expired or terminated licenses. The proposed amendments generally pertain to fees, renewals, continuing education, licensing requirements, unprofessional conduct, duplicate or lost licenses, definitions, examinations, prescriptive authority, trainees, inactive status, out-of-state applicants, temporary licenses or practice permits, reinstatement, expired or lapsed license, requirements, lists, abatement of fee rules, and training programs. The rules proposed to be repealed pertain to lapsed licenses, nonrefundable fees, expired certificate - renewal of grace period, and forfeiture of license and restoration.

2. The Department of Labor and Industry (Department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Business Standards Division (Division) no later than 5:00 p.m. on March 13, 2006, to advise us of the nature of the accommodation that you need. Please contact Kathy Lubke, Business Standards Division, 301 South Park, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2349; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail klubke@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: Montana's 59th Legislature enacted House Bill (HB) 182 (Chapter 467, L. 2005) that became

effective July 1, 2005. This legislation generally revised and consolidated professional and occupational licensing laws; provided distinction between Department and Board or Program duties regarding licensure, examination, and fees; required standardization of forms; set uniform standards for license renewal, including renewal periods; removed specific Board or Program references if duties are assigned to the Department or provided generally to all Boards; and repealed certain Board-specific or Program-specific references to licensure, examinations, and fees.

This rulemaking notice serves to implement the major changes created by this legislation. The Department has determined that in order to implement these major provisions of HB 182, it is most efficient, cost effective and timely, and will ensure consistency among rules to adopt one notice with changes impacting all Boards and Programs.

Amendments in this notice serve to reduce duplication throughout the rules by putting information that is applicable to all Boards and Programs into Division rules instead of listing them within the rules of each individual Board or Program. The basic functions of all Division licensing entities are the same, therefore the general rules of these entities should be similar. Having rules applicable to the Division provides standardization and consistency among licensing entities. Logically, with standardization and consistency as a goal, the impacted rules should all be dealt with at the same time.

The Department has determined that it is reasonable and necessary to transfer and amend ARM 8.2.208 as the first piece of implementing HB 182. Chapter 483, L. 2001, transferred Professional and Occupational Licensing from the Department of Commerce (Title 8) to the Department of Labor and Industry (Title 24). Transferring ARM 8.2.208 into Title 24 will aid users in locating the current renewal dates for all Division licensing Boards and Programs. The rule is being amended to change the format from a paragraph style into a more user friendly table format. This format allows for ease in locating the license type, renewal frequency and renewal date. This transfer and amendment is being completed at this time along with changing other renewal date references in individual Board and Program rules, to ensure that all Board and Program license renewal dates are set by department rule as specified in 37-1-141, MCA. Amending individual rules to eliminate specific renewal dates or the reference to the duration of the license will eliminate the need to amend various rules if the renewal date or frequency should change. Removing these references from numerous rules eliminates the possibility of having conflicting dates and timeframes between rules. Also, this consolidated rule creates standardization and consistency among Division licensing entities.

Board and Program fee rules are being amended at this time to remove various fees from individual Board and Program rules. The Department has determined there are numerous common services provided by most Boards and Programs. The fees vary greatly, and part of the directive of HB 182 is to standardize fees for administrative services such as license verification, duplicate licenses, late penalty renewals, and

licensee lists. These administrative type services are being removed from individual Board and Program rules and consolidated into a Division rule (NEW RULE III) applicable to all Boards and Programs. By having standardized fees applicable for the same services, the fee discrepancy between various Boards and Programs is eliminated. With the creation of the Division licensee database, the cost of providing duplicate licenses, license verification, and licensee lists is no longer variable between licensing entities. The costs associated with providing these services are now the same among licensing entities. All licensees will be charged the same amount for the same service. Amending all Board and Program fee rules through the same notice treats all licensees equitably by charging the same fees for all licensees at the same time. A reference to the standardized fee rule is included in each Board or Program fee rule to make rule users aware that there are other fees that may be charged for services provided by the Division.

Other common amendments deal with terminology changes. HB 182 has defined three terms in conjunction with license renewal. Expired, lapsed, and terminated licenses are now defined in statute. These terms have been used within the existing rules. However, the context may not be consistent with the new statutory definition. It is reasonable and necessary to amend the rules to use terms consistently between the statutes and rules, to avoid potential areas of confusion, and to provide clarity.

Generally, it is also reasonable and necessary to amend authority and implementing citations to reflect changes implementing HB 182 that impact rulemaking authority and the sections being implemented by statute changes. The most common changes to the authority and implementing citations are to remove references to statutes that have been repealed, to add 37-1-134 and 37-1-141, MCA, to fee rule authority and implementing cites as needed, and to add 37-1-141, MCA, to renewal rules as necessary.

Repealed MCA cites are being removed as rules are amended to reflect the laws that are in effect at the time of the amendment.

Section 37-1-134, MCA, provides for establishing standardized fees, therefore it is included as an authorizing and implementing statute in the fee rules. Section 37-1-141, MCA, provides for assessing a late penalty fee, therefore this statute has been added as an implementing cite. Also it is reasonable and necessary to amend fee rules to indicate the Division is removing the hyphen in "non-refundable". This change is being made to make the word consistent throughout the Division's rules, and to follow the MCA and standard usage of the word nonrefundable.

In each renewal rule, reference is made to a common renewal date rule (ARM 8.2.208) and two proposed new Division rules (NEW RULES V and VI). Section 37-1-141, MCA, was amended to require that the renewal date for a license be set by Department rule and states the requirements for license renewal. Instead of repeating this standard language in each renewal rule, references to Division rules have been included. This coincides with the intent of the legislation to create uniform standards for license renewals, and revising notification periods. It is

therefore appropriate to include 37-1-141, MCA, as authority and implementing citations.

Also, language suggesting that renewal forms would be sent to licensees is to be deleted, and a generic reference that renewal notices would be sent as specified in NEW RULE V was inserted. This wording change is proposed to indicate that renewal forms may not always be sent, but licensees will be notified of the deadline to renew their license. With the increased use of the Department's online renewal service, it may no longer be necessary to send renewal forms. Renewal forms may be downloaded from the online renewal service if it is necessary to complete a paper copy of the renewal form instead of using the online renewal service. The renewal notice would also state that renewal forms are available upon request.

Rule catchphrases are being amended as appropriate in order to standardize the catchphrase. References to the renewal frequency are being eliminated in order to prevent the need for future amendment to specific rules if the renewal frequency is modified. The standard renewal date rule, ARM 8.2.208, would be the only rule that would need to be amended to indicate the renewal date or frequency change. By eliminating this duplication within numerous rules, it eliminates the possibility of conflicting information between rules, decreases the need for numerous rule amendments thereby creating less regulation and more efficiency.

4. The rule proposed to be amended and transferred provides as follows, deleted matter interlined, new matter underlined:

8.2.208 (24.101.413) RENEWAL DATES AND REQUIREMENTS

(1) Specific procedures and grace periods for renewal are set forth by department or board rule, or statute applicable to a particular profession, or 37-1-141, MCA. Such procedures shall take account of, and be based upon, the renewal dates ~~set forth~~ in this rule. An existing license ~~expires~~ ends on the renewal date ~~set forth~~ specified for each profession and occupation listed and must be renewed on or before this date.

(2) If a timely and sufficient application is submitted on or prior to such date, the applicant's continued practice is governed under 2-4-631, MCA. In order for an application to be timely and sufficient it must be:

(a) it must be completed with truthful information;

(b) accompanied by other required information or documentation as applicable;

(c) accompanied by the appropriate fee; and

(d) submitted so that it bears a U.S. Postal Service post mark prior to or on the renewal date for the applicable profession; or

(e) submitted by using the online renewal service available on the department's website. Although the department strives to keep its website accessible at all times, licensees should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing the online renewal service do not excuse late renewals;

(i) online renewal transactions must be fully completed prior to midnight Mountain time on the renewal date.

(3) If the requirements of this rule are not met, a late penalty fee as specified in [NEW RULE III] will be required in order to renew.

(4) The provisions of [NEW RULES V and VI] are applicable to all license renewals.

(2) (5) The following are renewal dates for the professions and occupations listed:

~~(a) January 1 is the renewal date for licenses and other authorities granted by the boards of nursing home administrators and psychologists;~~

~~(b) February 1 is the renewal date for licenses and other authorities granted by the boards of radiological technologists and speech-language pathologists and audiologists;~~

~~(c) March 1 is the renewal date for licenses and other authorities granted by the board of dentistry;~~

~~(d) March 31 is the renewal date for licenses and other authorities granted by the boards of barbers, medical examiners and real estate appraisers;~~

~~(e) April 1 is the renewal date for licenses and other authorities granted by the board of physical therapy examiners, and is the renewal date for guides and professional guides (regulated by the board of outfitters);~~

~~(f) April 30 is the renewal date for licenses and other authorities granted by the board of alternative health care;~~

~~(g) May 1 is the renewal date for licenses and other authorities granted by the boards of respiratory care practitioners and clinical laboratory science practitioners;~~

~~(h) June 15 is the renewal date for licenses and other authorities granted by the board of occupational therapy practice;~~

~~(i) June 30 is the renewal date for licenses and other authorities granted by the boards of hearing aid dispensers, landscape architects, professional engineers and land surveyors (every even-numbered year), pharmacists and sanitarians;~~

~~(j) July 1 is the renewal date for licenses and other authorities granted by the boards of architects, funeral service, and is the renewal date for salons and booth rentals (regulated by the board of cosmetologists);~~

~~(k) July 2 is the renewal date for licenses and other authorities granted by the board of optometry;~~

~~(l) July 15 is the renewal date for licenses and other authorities granted by the state electrical board (every third year with the first renewal coming due on July 15, 1997);~~

~~(m) September 1 is the renewal date for licenses and other authorities granted by the boards of plumbers and chiropractors;~~

~~(n) October 31 is the renewal date for physician assistants-certified, nutritionists, acupuncturists and podiatrists (regulated by the board of medical examiners);~~

~~(o) November 1 is the renewal date for licenses and other authorities granted by the board of veterinary medicine;~~

~~(p) November 30 is the renewal date for pharmacy technicians, wholesale drug distributors, mail order pharmacies, certified pharmacies and dangerous drug act (regulated by the board of pharmacy);~~

~~(q) December 1 is the renewal date for licenses and other authorities granted by the board of private security patrol officers and investigators;~~

~~(r) December 31 is the renewal date for licenses and other authorities granted by the boards of nursing, public accountants, realty regulation, social work examiners and professional counselors, and is the renewal date for outfitters (regulated by the board of outfitters), property managers (regulated by the board of realty regulation), and cosmetology, manicuring, electrology and esthetic schools and cosmetologists, manicurists, electrologists, estheticians and instructors (regulated by the board of cosmetologists).~~

	<u>BOARD OR PROGRAM JURISDICTION</u>	<u>LICENSE CATEGORY</u>	<u>FREQUENCY</u>	<u>RENEWAL DATE</u>
(a)	<u>Alternative Health Care</u>	<u>Naturopathic Physician</u>	<u>Annually</u>	<u>April 30</u>
		<u>Naturopathic Physician - Childbirth</u>	<u>Annually</u>	<u>April 30</u>
		<u>Direct-entry Midwife</u>	<u>Annually</u>	<u>April 30</u>
		<u>Direct-entry Midwife Apprentice</u>	<u>Annually</u>	<u>April 30</u>
(b)	<u>Architects</u>	<u>Architects</u>	<u>Biennially, Even Numbered Years</u>	<u>June 30</u>
(c)	<u>Athletics</u>	<u>Boxer, Club</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Boxer, Professional</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Boxer, Semi-Professional</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Cornerperson/Second</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Judge</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Kickboxer</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Knockdown Judge</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Manager/Trainer</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Minimum Kicking Requirements Official</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	

		<u>Promoter/Matchmaker</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Referee</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Wrestler, Professional</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
		<u>Wrestler, Semi-Professional</u>	<u>Nonrenewable, must reapply. License expires June 30.</u>	
<u>(d)</u>	<u>Athlete Agents</u>	<u>Athlete Agents</u>	<u>Biennially</u>	<u>Anniversary Date of Certificate</u>
<u>(e)</u>	<u>Barbers and Cosmetologists</u>	<u>Barber</u>	<u>Biennially</u>	<u>December 31</u>
		<u>Barber Shop</u>	<u>Annually</u>	<u>July 1</u>
		<u>Barber School or College</u>	<u>Annually</u>	<u>December 31</u>
		<u>Barbering Instructor</u>	<u>Biennially</u>	<u>December 31</u>
		<u>Booth Rental</u>	<u>Annually</u>	<u>July 1</u>
		<u>Cosmetologist</u>	<u>Biennially</u>	<u>December 31</u>
		<u>Electrologist</u>	<u>Biennially</u>	<u>December 31</u>
		<u>Esthetician</u>	<u>Biennially</u>	<u>December 31</u>
		<u>Instructor</u>	<u>Biennially</u>	<u>December 31</u>
		<u>Manicurist</u>	<u>Biennially</u>	<u>December 31</u>
		<u>Salon</u>	<u>Annually</u>	<u>July 1</u>
		<u>School or Course</u>	<u>Annually</u>	<u>December 31</u>
<u>(f)</u>	<u>Boiler Operating Engineers</u>	<u>Agriculture Class Boiler Engineer</u>	<u>Annually</u>	<u>Anniversary Date of License</u>
		<u>First Class Boiler Engineer</u>	<u>Annually</u>	<u>Anniversary Date of License</u>
		<u>Low Pressure Boiler Engineer</u>	<u>Annually</u>	<u>Anniversary Date of License</u>

		<u>Second Class Boiler Engineer</u>	<u>Annually</u>	<u>Anniversary Date of License</u>
		<u>Third Class Boiler Engineer</u>	<u>Annually</u>	<u>Anniversary Date of License</u>
		<u>Traction Boiler Engineer</u>	<u>Annually</u>	<u>Anniversary Date of License</u>
<u>(g)</u>	<u>Chiropractors</u>	<u>Chiropractors</u>	<u>Annually</u>	<u>September 1</u>
<u>(h)</u>	<u>Clinical Laboratory Science Practitioners</u>	<u>Clinical Laboratory Scientist</u>	<u>Annually</u>	<u>May 1</u>
		<u>Clinical Laboratory Specialist</u>	<u>Annually</u>	<u>May 1</u>
		<u>Clinical Laboratory Technician</u>	<u>Annually</u>	<u>May 1</u>
<u>(i)</u>	<u>Construction Blasters</u>	<u>Construction Blasters</u>	<u>Annually</u>	<u>January 1</u>
<u>(j)</u>	<u>Crane and Hoisting Operating Engineers</u>	<u>First Class Crane Operators</u>	<u>Annually</u>	<u>Anniversary Date of License</u>
		<u>Second Class Crane Operators</u>	<u>Annually</u>	<u>Anniversary Date of License</u>
		<u>Third Class Crane Oiler</u>	<u>Annually</u>	<u>Anniversary Date of License</u>
<u>(k)</u>	<u>Dentistry</u>	<u>Dental Hygienist</u>	<u>Annually</u>	<u>March 1</u>
		<u>Dentist</u>	<u>Annually</u>	<u>March 1</u>
		<u>Denturist</u>	<u>Annually</u>	<u>March 1</u>
		<u>General Anesthesia Administration Permit</u>	<u>Annually</u>	<u>March 1</u>
		<u>Volunteer Licensees</u>	<u>Annually</u>	<u>March 1</u>
<u>(l)</u>	<u>Elevator Program</u>	<u>Contractor</u>	<u>Annually</u>	<u>April 1</u>
		<u>Inspector</u>	<u>Annually</u>	<u>April 1</u>
		<u>Mechanic</u>	<u>Annually</u>	<u>April 1</u>
<u>(m)</u>	<u>Fire Prevention and</u>	<u>Company Hiring Entity (Sell, Install and Service)</u>	<u>Annually</u>	<u>May 31</u>

	<u>Investigation and Fireworks Wholesalers Program</u>	<u>Individual Endorsement (Sell, Install and Service)</u>	<u>Annually</u>	<u>May 31</u>
		<u>Fireworks Wholesaler</u>	<u>Nonrenewable</u>	
<u>(n)</u>	<u>Funeral Service</u>	<u>Crematory</u>	<u>Annually</u>	<u>July 1</u>
		<u>Crematory Operator</u>	<u>Annually</u>	<u>July 1</u>
		<u>Crematory Technician</u>	<u>Annually</u>	<u>July 1</u>
		<u>Mortician</u>	<u>Annually</u>	<u>July 1</u>
		<u>Mortuary</u>	<u>Annually</u>	<u>July 1</u>
		<u>Mortuary Branch Facility</u>	<u>Annually</u>	<u>July 1</u>
<u>(o)</u>	<u>Hearing Aid Dispenser</u>	<u>Hearing Aid Dispenser</u>	<u>Annually</u>	<u>June 30</u>
<u>(p)</u>	<u>Landscape Architects</u>	<u>Landscape Architects</u>	<u>Annually</u>	<u>June 30</u>
<u>(q)</u>	<u>Licensed Addiction Counselors</u>	<u>Licensed Addiction Counselor</u>	<u>Biennially</u>	<u>June 30</u>
<u>(r)</u>	<u>Medical Examiners</u>	<u>Acupuncturist</u>	<u>Biennially</u>	<u>October 31</u>
		<u>Emergency Medical Technician</u>	<u>Biennially</u>	<u>March 31</u>
		<u>Nutritionist</u>	<u>Biennially</u>	<u>October 31</u>
		<u>Physician</u>	<u>Biennially</u>	<u>March 31</u>
		<u>Physician Assistant</u>	<u>Biennially</u>	<u>October 31</u>
		<u>Podiatrist</u>	<u>Biennially</u>	<u>October 31</u>
		<u>Telemedicine Practitioners</u>	<u>Biennially</u>	<u>March 31</u>
<u>(s)</u>	<u>Nursing</u>	<u>Clinical Nurse Specialist</u>	<u>Biennially, Even Numbered Years</u>	<u>December 31</u>
		<u>Nurse Anesthetist</u>	<u>Biennially, Even Numbered Years</u>	<u>December 31</u>
		<u>Nurse Midwife</u>	<u>Biennially, Even Numbered Years</u>	<u>December 31</u>
		<u>Nurse Practitioner</u>	<u>Biennially, Even Numbered Years</u>	<u>December 31</u>

		<u>APRN Prescriptive Authority</u>	<u>Biennially, Even Numbered Years</u>	<u>December 31</u>
		<u>Practical Nurse - Licensed</u>	<u>Biennially, Even Numbered Years</u>	<u>December 31</u>
		<u>Professional Nurse - Registered</u>	<u>Biennially, Even Numbered Years</u>	<u>December 31</u>
		<u>Medication Aide</u>	<u>Annually</u>	<u>March 31</u>
<u>(t)</u>	<u>Nursing Home Administrators</u>	<u>Nursing Home Administrator</u>	<u>Annually</u>	<u>December 31</u>
<u>(u)</u>	<u>Occupational Therapy Practice</u>	<u>Occupational Therapist</u>	<u>Annually</u>	<u>June 15</u>
		<u>Occupational Therapist Assistant</u>	<u>Annually</u>	<u>June 15</u>
<u>(v)</u>	<u>Optometry</u>	<u>Optometrist</u>	<u>Annually</u>	<u>July 2</u>
<u>(w)</u>	<u>Outfitters</u>	<u>Outfitter</u>	<u>Annually</u>	<u>December 31</u>
<u>(x)</u>	<u>Pharmacy</u>	<u>Dangerous Drug License</u>	<u>Annually</u>	<u>November 30</u>
		<u>Mail Order Pharmacy</u>	<u>Annually</u>	<u>November 30</u>
		<u>Pharmacist</u>	<u>Annually</u>	<u>June 30</u>
		<u>Pharmacy</u>	<u>Annually</u>	<u>November 30</u>
		<u>Pharmacy Technician</u>	<u>Annually</u>	<u>June 30</u>
		<u>Pharmacy Technician in Training</u>	<u>Nonrenewable</u>	
		<u>Pharmacy Technician Utilization Plan</u>	<u>Annually</u>	<u>November 30</u>
		<u>Telepharmacies</u>	<u>Annually</u>	<u>November 30</u>
		<u>Wholesale Drug Distributor</u>	<u>Annually</u>	<u>November 30</u>
<u>(y)</u>	<u>Physical Therapy Examiners</u>	<u>Physical Therapist</u>	<u>Annually</u>	<u>April 1</u>
		<u>Physical Therapist Assistant</u>	<u>Annually</u>	<u>April 1</u>
<u>(z)</u>	<u>Plumbers</u>	<u>Journeyman Plumber</u>	<u>Annually</u>	<u>September 1</u>
		<u>Master Plumber</u>	<u>Annually</u>	<u>September 1</u>
		<u>Medical Gas Endorsement</u>	<u>Annually</u>	<u>September 1</u>

<u>(aa)</u>	<u>Private Security Patrol Officers and Investigators</u>	<u>Contract Security Company</u>	<u>Annually</u>	<u>March 1</u>
		<u>Electronic Security Company</u>	<u>Annually</u>	<u>March 1</u>
		<u>Proprietary Security Organization</u>	<u>Annually</u>	<u>March 1</u>
		<u>Branch Office</u>	<u>Annually</u>	<u>March 1</u>
		<u>Private Investigator</u>	<u>Annually</u>	<u>March 1</u>
		<u>Private Investigator Trainee</u>	<u>Annually</u>	<u>March 1</u>
		<u>Resident Manager</u>	<u>Annually</u>	<u>March 1</u>
		<u>Qualifying Agent</u>	<u>Annually</u>	<u>March 1</u>
		<u>Security Guard</u>	<u>Annually</u>	<u>March 1</u>
		<u>Alarm Installer</u>	<u>Annually</u>	<u>March 1</u>
		<u>Alarm Response Runner</u>	<u>Annually</u>	<u>March 1</u>
		<u>Firearms Instructor</u>	<u>Annually</u>	<u>March 1</u>
		<u>Armed Status</u>	<u>Annually</u>	
<u>(ab)</u>	<u>Professional Engineers and Professional Land Surveyors</u>	<u>Certificate of Authority</u>	<u>Biennially, Even Numbered Years</u>	<u>June 30</u>
		<u>Emeritus Status</u>		
		<u>Engineer Intern</u>	<u>Indefinite</u>	
		<u>Land Surveyor Intern</u>	<u>None, Indefinite</u>	
		<u>Professional Engineer</u>	<u>Biennially, Even Numbered Years</u>	<u>June 30</u>
		<u>Professional Engineer by Comity</u>	<u>Biennially, Even Numbered Years</u>	<u>June 30</u>
		<u>Professional Land Surveyor</u>	<u>Biennially, Even Numbered Years</u>	<u>June 30</u>
		<u>Professional Land Surveyor by Comity</u>	<u>Biennially, Even Numbered Years</u>	<u>June 30</u>
<u>(ac)</u>	<u>Psychologists</u>	<u>Psychologist</u>	<u>Annually</u>	<u>December 31</u>
<u>(ad)</u>	<u>Public Accountants</u>	<u>Certified Public Accountant</u>	<u>Annually</u>	<u>December 31</u>

		<u>Licensed Public Accountant</u>	<u>Annually</u>	<u>December 31</u>
<u>(ae)</u>	<u>Radiologic Technologists</u>	<u>Limited Permit X-Ray Procedures</u>	<u>Annually</u>	<u>February 1</u>
		<u>Radiologic Technologists</u>	<u>Annually</u>	<u>February 1</u>
<u>(af)</u>	<u>Real Estate Appraisers</u>	<u>General Appraiser, Certified</u>	<u>Annually</u>	<u>March 31</u>
		<u>General Appraiser, Certified (Out-of-State)</u>	<u>Annually</u>	<u>March 31</u>
		<u>Licensed Appraiser Mentor</u>	<u>Annually</u>	<u>March 31</u>
		<u>Residential Appraiser, Certified</u>	<u>Annually</u>	<u>March 31</u>
		<u>Residential Appraiser, Certified (Out-of-State)</u>	<u>Annually</u>	<u>March 31</u>
		<u>Trainee</u>	<u>Annually</u>	<u>March 31</u>
<u>(ag)</u>	<u>Realty Regulation</u>	<u>Property Manager</u>	<u>Annually</u>	<u>October 31</u>
		<u>Real Estate Broker</u>	<u>Biennially, Odd Numbered Years</u>	<u>October 31</u>
		<u>Real Estate Salesperson</u>	<u>Biennially, Odd Numbered Years</u>	<u>October 31</u>
		<u>Timeshare Broker</u>	<u>Annually</u>	<u>October 31</u>
		<u>Timeshare Salesperson</u>	<u>Annually</u>	<u>October 31</u>
		<u>Timeshare Offering</u>	<u>Annually</u>	<u>Anniversary Date of License</u>
<u>(ah)</u>	<u>Respiratory Care Practitioners</u>	<u>Respiratory Care Practitioners</u>	<u>Biennially, Even Numbered Years</u>	<u>May 1</u>
<u>(ai)</u>	<u>Sanitarians</u>	<u>Sanitarians</u>	<u>Annually</u>	<u>June 30</u>
<u>(aj)</u>	<u>Social Workers and Professional Counselors</u>	<u>Professional Counselor - Clinical</u>	<u>Annually</u>	<u>December 31</u>
		<u>Social Worker - Clinical</u>	<u>Annually</u>	<u>December 31</u>

<u>(ak)</u>	<u>Speech-Language Pathologists and Audiologists</u>	<u>Audiologist</u>	<u>Annually</u>	<u>February 1</u>
		<u>Audiologist Aide*</u>	<u>Annually* Aides are not license type and do not renew, but must be registered by supervising licensee.</u>	<u>October 31</u>
		<u>Speech-Language Pathologist</u>	<u>Annually</u>	<u>February 1</u>
		<u>Speech-Language Pathologist Aide*</u>	<u>Annually* Aides are not license type and do not renew, but must be registered by supervising licensee.</u>	<u>October 31</u>
		<u>Active Temporary Speech Pathologist or Audiologist</u>	<u>Nonrenewable Two-year license</u>	
<u>(al)</u>	<u>State Electrical Board</u>	<u>Electrical Contractor</u>	<u>Nonrenewable, must reapply. License expires July 15.</u>	
		<u>Journeyman Electrician</u>	<u>Biennially, Even Numbered Years</u>	<u>July 15</u>
		<u>Master Electrician</u>	<u>Biennially, Even Numbered Years</u>	<u>July 15</u>
		<u>Residential Electrician</u>	<u>Biennially, Even Numbered Years</u>	<u>July 15</u>
<u>(am)</u>	<u>Veterinary Medicine</u>	<u>Euthanasia Agency</u>	<u>Annually</u>	<u>May 30</u>
		<u>Embryo Transfer Technician</u>	<u>Annually</u>	<u>November 1</u>
		<u>Euthanasia Technician</u>	<u>Annually</u>	<u>May 30</u>
		<u>Veterinarian</u>	<u>Annually</u>	<u>November 1</u>

- (6) The following are nonrenewable licenses:
- (a) temporary licenses issued by a licensing entity unless that licensing entity's rules provide otherwise;
 - (b) fireworks wholesalers;
 - (c) real estate appraiser mentors;
 - (d) pharmacy technicians in training;
 - (e) active temporary speech pathologists and audiologists;
 - (f) land surveyor intern, engineer intern, emeritus status license issued by the Board of Professional Engineers and Professional Land Surveyors;
 - (g) all licenses issued by the Board of Athletics end on June 30 of each year and the licensee must reapply;
 - (h) guide and professional guide licenses issued by the Board of Outfitters end on December 31 of each year and the licensee must reapply; and
 - (i) electrical contractor licenses issued by the State Electrical Board end on July 15 biennially and the licensee must reapply.
- (7) The specific date by which each individual licensee is required to renew by can be obtained by contacting the licensing entity's office or by using the licensee lookup system available on the department's website.

AUTH: 37-1-101, 37-1-141, MCA
IMP: 37-1-101, 37-1-141, MCA

REASON: It is reasonable and necessary to amend this rule to identify the current renewal dates for professions and occupations licensed by the Division. It is also necessary to identify the duration of the license and the frequency of when a license needs to be renewed. This amendment and transfer will make information more readily accessible to licensees, Department staff and the public. The amendments also clarify what constitutes timely submission of renewal information. This provides clear direction to the licensee and describes the consequences for not renewing in a timely manner.

Also, it is reasonable to include (6) as a quick reference for those individuals who hold some sort of "license" which is unable to be renewed. This easily identifies those "license" holders that are mentioned within individual Board's or Program's rules who are accountable to the Board or Program, but whose license cannot be renewed. Section (7) is included to reassure licensees that there is help available if a licensee is unsure of the date to renew a specific license. See general statement of reasonable necessity for more detail.

5. The Division rules proposed to be adopted provide as follows:

NEW RULE I PURPOSE (1) The purpose of this subchapter is to standardize similar functions and processes within the division and administratively attached boards, including, but not limited to:

- (a) setting standardized fees;
- (b) standardizing forms;
- (c) eliminating the need for a licensing board to issue routine licenses; and

- (d) setting uniform standards for license renewal.

AUTH: 37-1-101, MCA

IMP: 37-1-101, 37-1-104, MCA

REASON: It is reasonable and necessary to promulgate this rule to provide users with a general overview of the subchapter contents. These rules are proposed in order to implement the changes enacted by HB 182.

NEW RULE II DEFINITIONS As used in conjunction with Title 37, MCA, the following definitions apply:

(1) "Active status" means the license holder is afforded the rights and privileges to practice under the license while complying with the requirements as set by the licensing entity.

(2) "Administrative fees" means a fee charged for products or services provided by the division.

(3) "Department" means the Department of Labor and Industry.

(4) "Disciplinary action" means the procedure by which unprofessional conduct is addressed by the licensing entity pursuant to the contested case hearing provisions of the Montana Administrative Procedure Act (MAPA).

(5) "Division" means the Business Standards Division of the Department of Labor and Industry.

(6) "Expired license" means a license for which the renewal requirements have not been met within 45 days to two years after the license renewal date. An expired license may be reactivated anytime within these two years.

(7) "Inactive status" means an option provided by some licensing entities in which a licensee may retain a license but the licensee does not intend to practice, nor will the licensee engage in licensed activities at any time during the duration of the inactive status license. The licensee may wish to reactivate the inactive status license in the future. An inactive license must be renewed as prescribed by the licensing entity.

(8) "Lapsed license" means a license that has not been renewed by the license renewal date. A lapsed license may be reactivated at anytime within 45 days following the license renewal date.

(9) "Late penalty fee" means the fee that is required to be paid by a licensee upon renewal of a license if the licensee failed to renew the license by the renewal date.

(10) "New original license" means a license issued to an individual whose previous original license terminated and was not reinstated. In order to receive a new original license, all current requirements for obtaining an original license must be met including, but not limited to, submitting required application materials, successfully passing the required examinations as applicable, and paying the appropriate fees. The new original license number will remain the same as the original license number.

(11) "Nonroutine application" means an application submitted to the division in which the application is defined as nonroutine either by the specific licensing

entity's rules or by these rules. In conflicts between the specific licensing entity's rules and these rules, the specific licensing entity's rules govern.

(a) A nonroutine application means that the applicant has one or more of the following:

(i) has pending or completed disciplinary action in this state, or pending or completed disciplinary action in another state, territory, or jurisdiction;

(ii) is restricted by the terms and conditions of a final order in a disciplinary matter;

(iii) is required to submit materials that require professional evaluation by another licensee or licensing entity; or

(iv) is foreign-educated, except for those foreign-educated applicants applying for licensure from the following:

(A) Board of Medical Examiners;

(B) Board of Professional Engineers and Professional Land Surveyors; or

(C) Board of Realty Regulation.

(12) "Probationary license" means a license, that due to discipline taken against the licensee, signifies the license holder is afforded the rights and privileges to practice under the license while complying with the terms and conditions of a final order as issued by the licensing entity.

(13) "Reactivated license" means a lapsed or expired license that is renewed between the renewal date and two years following the renewal date. In order to reactivate a license, all renewal requirements must be met.

(14) "Reactivation of license" means activating a lapsed or expired license.

(15) "Renewal date" means the date by which an existing license must be renewed as listed in ARM 8.2.208. Renewal information must be submitted on or before the renewal date in order for a license to be renewed without the assessment of the late penalty fee.

(16) "Routine application" means an application submitted to the division in which the application is defined as routine either by the specific licensing entity's rules or by these rules. In conflicts between the specific licensing entity's rules and these rules, the specific licensing entity's rules govern.

(a) A routine application means that the applicant does not have one or more of the following:

(i) pending or completed disciplinary action in this state, or pending or completed disciplinary action in another state, territory, or jurisdiction;

(ii) is not restricted by the terms and conditions of a final order in a disciplinary matter;

(iii) is not required to submit materials that require professional evaluation by another licensee or licensing entity; or

(iv) is not foreign-educated, except for those foreign-educated applicants applying for licensure from the following:

(A) Board of Medical Examiners;

(B) Board of Professional Engineers and Professional Land Surveyors; or

(C) Board of Realty Regulation.

(17) "Standardized fee" means an administrative fee for a common product or service that is charged to division customers.

(18) "Suspended license" means a license, that due to discipline taken against the licensee, signifies the license holder is no longer afforded the rights and privileges to practice under the license for a period of time specified by the final order issued by the licensing entity.

(19) "Terminated license" means a license that has not been renewed or reactivated within two years of the renewal deadline. A terminated license may not be reactivated.

AUTH: 37-1-101, MCA

IMP: 37-1-130, 37-1-131, 37-1-141, MCA

REASON: It is reasonable and necessary to promulgate this rule to indicate the context of words that are used throughout Division rules. The definition rule serves to clarify the meaning of frequently used words and provides consistent application throughout the rules.

Section 2-4-305(2), MCA, states "rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference must clearly indicate the portion of the language that is statutory and the portion that is an amplification of the language." The terms "expire", "lapsed" and "terminated" have been defined in 37-1-130, MCA, as amended by HB 182, but are included in this notice for clarity. Usage of these terms throughout existing Board and Program rules may not be used in the same context as the new definitions. In order to ensure that the new meaning is conveyed to the licensees, it is necessary to include the substance of these statutory definitions in the rule.

NEW RULE III FEES (1) Standardized fees, in addition to those fees charged by a specific licensing entity are as follows:

- | | |
|---|------|
| (a) duplicate license | \$ 5 |
| (b) licensee lists or rosters | 50 |
| (c) photocopies per page (in excess of 20 pages) | .25 |
| (d) certified copies per page (in excess of ten pages) | .50 |
| (e) license history | 20 |
| (f) duplicate wall certificate | 20 |
| (g) returned check fee, including but not limited to, checks issued with nonsufficient funds, stop payment requests, or missing signatures | 30 |
| (h) license verification | 20 |
| (i) the license verification fee is waived for any licensing entity with a signed reciprocal agreement with another licensing entity and the licensing entities have agreed that no fees are to be charged; | |
| (j) status change fee from inactive to active during the licensure period is the difference between the cost of an inactive license and an active license renewal fee; | |
| (k) renewal fee for a suspended license is 50% of the renewal fee; and | |
| (l) renewal fee for a probationary license is the same as the renewal fee. | |

(2) The late penalty fee for each renewal period a license has not been renewed shall be 100% of the renewal fee. The penalty fee is in addition to the renewal fee and must be paid for each renewal period that the license has not been renewed. If the license has not been renewed on or before the date set by ARM 8.2.208, the late penalty fee must be paid.

(a) In the event a renewal fee has been abated, the late penalty fee still applies. The late penalty fee that must be paid is 100% of the renewal fee that would have been charged had the renewal fee not been abated.

(3) When converting an inactive status license to an active status license, the difference between the inactive status fee and the active status fee must be paid for the remainder of the current renewal period.

(4) When a military reservist renews a professional or occupational license after being discharged from active duty, the renewal fee will be the current renewal fee. No past fees accrued while the reservist was on active duty will be charged.

(5) All fees are nonrefundable.

AUTH: 37-1-101, MCA

IMP: 27-1-717, 37-1-130, 37-1-134, 37-1-138, MCA

REASON: It is reasonable and necessary to create a fee rule designating standard fees for those services provided by most licensing entities of the Division. Specific fiscal impact statements are included in the reasonable necessity statement for individual Board or Program fee rules. See general reasons for more detail.

NEW RULE IV LICENSING (1) The department will issue all licenses to those routine applicants who meet the licensing requirements and pay the required fees.

(2) The department will issue all licenses as directed by the governing board to those nonroutine applicants who meet the licensing requirements and pay the required fees. A nonroutine applicant may be asked to appear before the board prior to the final board decision regarding the granting of a nonroutine license.

AUTH: 37-1-101, MCA

IMP: 37-1-101, 37-1-130, MCA

REASON: It is reasonable and necessary to promulgate this rule to identify that the Department will review and process all routine applications. It is no longer necessary for individual Boards to approve all license applications. This streamlines the application process, decreases the amount of time Boards spend reviewing and approving applications that do not vary from the standard application requirements. This time savings will benefit both Board members and the public by allowing the Board to focus on more significant issues.

Also, it is reasonable and necessary to identify that the Department will issue licenses to all nonroutine applicants as directed by the governing Board. This rule clarifies that the decision to issue a license to a nonroutine applicant is left to the discretion of the licensing Board regulating that specific profession or occupation.

NEW RULE V RENEWAL NOTIFICATION (1) The department shall send renewal notices to all licensees. Renewal notices shall be sent to the last known address in the division's records. It is the responsibility of the licensee to keep the division timely informed of the licensee's current mailing address. Failure to receive notice for renewal in no way releases the licensee from the obligation to renew in a timely manner, and shall not constitute a defense to practicing without a license.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-130, 37-1-141, MCA

REASON: It is reasonable and necessary to adopt this rule to standardize the notification process for licensees. The process for sending renewal notices varied between licensing entities. This rule will provide equity by giving all licensees advance notice that their license needs to be renewed. See general reasons for more detail.

NEW RULE VI RENEWED, LAPSED, EXPIRED, OR TERMINATED LICENSES (1) All licenses must be renewed on or before the renewal date as listed in, and in accordance with ARM 8.2.208. Late renewals must be accompanied by the fees as specified in [NEW RULE III] and any other information required as if the renewal were submitted prior to the renewal date.

(a) A suspended license must be renewed in accordance with ARM 8.2.208 or the license will proceed to expire or terminate.

(2) If the license has not been renewed, the license shall be considered a lapsed, expired, or terminated license.

(a) A lapsed license may be reactivated within 45 days of the renewal date by submitting the required, completed renewal information and paying the required fees.

(b) Licenses not renewed within 45 days from the renewal date automatically expire. An expired license may be reactivated within two years of the renewal date by submitting the required, completed renewal information and paying the required fees.

(c) Licenses not renewed within two years from the renewal date automatically terminate. A terminated license may not be reactivated. A new original license must be obtained by completing the current requirements for a new application, including successfully passing the licensing examination if applicable.

(3) A licensee whose license has lapsed or expired, may not apply for a new license. A licensee must renew the license if it has lapsed or expired. All renewal requirements must be met and fees paid in order for a lapsed or expired license to be renewed. A new original license will be issued to a licensee whose license has terminated, provided all licensing requirements are met.

(4) A licensee who practices while a license is lapsed is not considered to be practicing without a license.

(5) A licensee who practices after a license has expired is considered to be practicing without a license and is subject to discipline provided by statute or rule.

(6) A former licensee who practices after a license is terminated is considered to be practicing without a license and is subject to cease and desist or a district court restraining order.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-130, 37-1-141, MCA

REASON: It is reasonable and necessary to adopt this rule to clarify the three variations in license status if a license is not renewed by the renewal date. This provides clear direction to the licensee and describes the consequences for not renewing in a timely manner. See general reasons for more detail.

6. Each Board or Program that is promulgating rules implementing changes from HB 182 follow. Board rules appear first, by Boards being listed in alphabetical order, followed by Program rules, with Programs being listed in alphabetical order. New, amended, and repealed rules are intermingled in this section instead of being lumped together by action type. This format is being used to keep all rule changes pertaining to a specific Board or Program together to aid licensees, the public, Board members and Department staff. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

BOARD OF ALTERNATIVE HEALTH CARE

24.111.401 FEES (1) through (2)(m) remain the same.

~~(n) administrative/copying requests~~

20

(3) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-26-201, 37-27-105, MCA

IMP: 37-1-134, 37-1-141, 37-26-201, 37-27-205, 37-27-210, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) three licensees will request license verification for a \$60 increase in revenue;

(2) five licensees will request duplicate licenses for a \$25 increase in revenue;

(3) two requests for licensee lists or rosters will be received for a \$60 increase in revenue; and

(4) three licensees will pay the late penalty fee for a \$1,237.50 increase in revenue.

24.111.2101 RENEWALS ~~(4)~~ (2) The renewal date for All naturopathic physician licenses, naturopathic specialty certificates, direct-entry midwife apprentice licenses, and direct-entry midwife licenses will expire each year, on is the date set by ARM 8.2.208, unless otherwise provided by statute.

(a) If a direct-entry midwife apprentice has held the initial apprentice license for less than one year on the first renewal date following such licensure, then the apprentice is not required to renew the initial apprentice license until the following renewal date.

~~(1) A renewal notice will be sent as specified in [NEW RULE VI] by the board to each license/certificate holder to the last address in the board's files. Failure to receive such notice shall not relieve the license/certificate holder of his/her obligation to pay renewal fees in such a manner that they are received by the department on or before the renewal date. All licensees must submit the proper renewal fee, proper documentation of completion of appropriate continuing education hours as required by statute or rule and any other forms or documents required by the board.~~

~~(2) A renewed license shall be valid for one year following the expiration date of the previously held license/certificate.~~

~~(3) The fee for any Any licensee who fails to renew or submit a renewal fee prior to on or before the expiration renewal date shall be increased by 50% of his renewal fee must pay the late penalty fee as specified in [NEW RULE III]. Renewals may not be processed until all fees are paid.~~

~~(4) Any person failing to renew a license within six months of the expiration date will be considered to have forfeited the license. The licensee shall reapply to the board in order to be relicensed to practice naturopathic medicine or direct-entry midwifery in this state The provisions of [NEW RULE VI] apply.~~

AUTH: 37-1-131, 37-1-141, 37-26-201, 37-27-105, 37-27-205, MCA

IMP: 37-1-131, 37-1-141, 37-26-201, 37-27-105, 37-27-205, MCA

REASON: See general statement of reasonable necessity. It is also reasonable and necessary to amend (2) by adding new subsection (a) because 37-27-205(2), MCA, states that a direct-entry midwife apprentice license can be renewed a maximum of four times. This statute precludes apprentices from engaging in the practice of midwifery indefinitely without taking the NARM exam and becoming fully licensed as a direct-entry midwife. An apprentice license can be issued at any time to a qualified applicant. There have been instances of people receiving their initial direct-entry midwife apprentice license in, for example, January and having to renew on April 1st of the same year, thereby using up one of the four renewals allowed by 37-27-205(2), MCA. That circumstance is problematic because of the extensive experience which must be obtained by apprentices pursuant to ARM 24.111.602 in order to qualify for licensure as a direct-entry midwife. Apprentices are having trouble fulfilling those experience requirements within the time allowed for them to be licensed as apprentices under 37-27-205(2), MCA. The problem is exacerbated when the first renewal occurs less than one year after initial apprentice licensure. Two apprentices recently requested that the board rectify the problem. The addition of (2)(a) is being made at this time in order to consolidate these changes with the changes implementing HB 182. By consolidating these changes, the number of times the same rule is amended over a short period of time is decreased, prevents running simultaneous amendments to the same rule, decreases the cost of promulgating rules by reducing the number of rulemaking notices required, and eliminates the misconception that licensees were over regulated.

The proposed amendment would also make the rule clearer, delete existing (2) that is redundant, and supplement the authority and implementation citations.

24.111.2102 NATUROPATHIC PHYSICIAN CONTINUING EDUCATION REQUIREMENTS (1) through (2)(b) remain the same.

(i) One continuing education credit shall be granted for each hour of participation in the continuing education activity excluding breaks and meals. A licensed naturopath must earn at least 15 continuing education credits within the 12 months prior to renewal on ~~April 30~~ the date set by ARM 8.2.208 of each year. (Five must be in naturopathic pharmacy, five additional in obstetrics if licensee has childbirth specialty certificate.) A maximum of two credits by cassette or videotape per renewal period ~~is will be~~ allowed. A certificate of completion or an outline of course content must be submitted by the licensee for each cassette or videotape ~~for the maximum two continuing education credits to be granted~~ allowed. The total number of continuing education credits obtained via the Internet and/or correspondence courses will be limited to three credits per renewal period.

(ii) remains the same.

(iii) All licensed naturopaths must either ~~submit attestation~~ to the board, on the ~~appropriate year's license renewal form~~, that they have obtained the required number of continuing education credits or submit a plan to complete CE credits. The board will review the renewal forms ~~prior to October 30 within six months of the renewal date~~ of that same year, and notify the licensee regarding his/her noncompliance. Prior to the next consecutive year's license renewal ~~deadline date~~, those licensees who have not complied with continuing education requirements will not be granted license renewal. Those not receiving notice from the board regarding their continuing education ~~should~~ may assume satisfactory compliance. Notices will be considered properly mailed when addressed to the last known address on file in the board office. No continuing education programs used to complete delinquent continuing education plan requirements for licensure may be used to meet the continuing education requirements for the next continuing education reporting period.

(iv) through (vii) remain the same.

AUTH: 37-1-141, 37-1-319, 37-26-201, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, MCA

REASON: It is reasonable and necessary to amend this rule in order to remove the specific renewal date as explained in the general reasonable necessity statement. With that change being made, it is no longer appropriate to list a specific date by which the Board will review renewal forms. The rule is being amended to delete the specific date reference, but still allows the board the same time length to review the forms. This change is not a change in substance, only in wording and will not impact either the Board or the licensees.

24.111.2103 MIDWIVES CONTINUING EDUCATION REQUIREMENTS (1) through (2)(b) remain the same.

(i) One continuing education credit shall be granted for each hour of participation in the continuing education activity excluding breaks and meals. A licensed direct-entry midwife must earn at least 14 continuing education credits within the 12 months prior to ~~the renewal on April 30~~ date set by ARM 8.2.208 of each year. A maximum of two credits by cassette or videotape per renewal period ~~is will be~~ allowed. A certificate of completion or an outline of course content must be submitted by the licensee for each cassette or videotape ~~of the maximum two continuing education credits to be granted~~ allowed. The total number of continuing education credits obtained via the Internet and/or correspondence courses will be limited to three credits per renewal period.

(ii) remains the same.

(iii) All licensed direct-entry midwives must either ~~submit attestation to the board, on the appropriate year's license renewal form,~~ that they have obtained the required number of continuing education credits or submit a plan to complete CE credits. The board will review the renewal forms ~~prior to October 30~~ within six months of the renewal date of that same year, and notify the licensee regarding his/her noncompliance. Prior to the next consecutive year's license renewal ~~deadline date,~~ those licensees who have not complied with continuing education requirements will not be granted license renewal. Those not receiving notice from the board regarding their continuing education ~~should~~ may assume satisfactory compliance. Notices will be considered properly mailed when addressed to the last known address on file in the board office. No continuing education programs used to complete delinquent continuing education plan requirements for licensure may be used to meet the continuing education requirements for the next continuing education reporting period.

(iv) through (vi) remain the same.

AUTH: 37-1-141, 37-1-319, 37-27-105, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, MCA

REASON: See reason for ARM 24.111.2102.

24.111.2301 UNPROFESSIONAL CONDUCT (1) through (6) remain the same.

(7) Practicing naturopathy or midwifery while the license is suspended, revoked, or expired ~~not currently renewed~~;

(8) through (13) remain the same.

AUTH: 37-1-319, 37-26-201, 37-27-105, MCA

IMP: 37-1-141, 37-1-316, 37-1-319, 37-26-201, 37-27-105, MCA

REASON: It is reasonable and necessary to amend this rule to make the rule consistent with the intent of 37-1-141, MCA. A lapsed license is not currently renewed, but a licensee who practices with a lapsed license is not considered to be practicing without a license. Therefore, this should not be considered as unprofessional conduct making the amendment necessary.

BOARD OF ALTERNATIVE HEALTH CARE
MICHAEL BERGKAMP, N.D., CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF ARCHITECTS

24.114.401 FEE SCHEDULE

- (1) remains the same.
- (2) Biennial renewal ~~(if paid by July 31st)~~ 110
- ~~(3) Late biennial renewal (if paid after July 31st)~~ 170
- ~~(4) (3) Original license fee, if licensed in an even year~~ 80
- ~~(5) (4) Original license fee, if licensed in an odd year~~ 40
- ~~(6) Documents, duplicate license, rosters~~ 27
- ~~(7) License verification fee~~ 10
- ~~(8) (6) All fees are non-refundable.~~
- (5) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-65-204, 37-65-307, MCA

IMP: 37-1-134, 37-1-141, 37-65-201, ~~37-65-304, 37-65-306~~, 37-65-307,
MCA

REASON: It is reasonably necessary to amend (2) and (3) to remove a specific date reference. In the event the renewal date changes, this rule will not need to be amended to reflect that change. By eliminating the need for additional rulemaking, the Board of Architects can save money and better serve the licensees. Also, there is no current law to require a one-month grace period. See general statement of reasonable necessity for more detail.

Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) five licensees will request license verification for an \$80 increase in revenue;
- (2) seven licensees will request duplicate licenses for a \$35 increase in revenue;
- (3) 20 pages of photocopies will be requested for a \$5 increase in revenue;
- (4) ten pages of certified photocopies will be requested for a \$5 increase in revenue;
- (5) eight licensees will request duplicate wall certificates for a \$160 increase in revenue; and
- (6) 40 licensees will pay the late penalty fee for a \$6,651.20 increase in revenue.

24.114.406 SOLICITATION OF BUSINESS BY ARCHITECTS FROM OTHER STATES (1) A nonresident architect who holds a current, ~~unexpired~~,

unrestricted license to practice architecture issued by the state in which the architect's principal offices are located and who holds a current NCARB certificate, may, upon furnishing the board with verification of licensure from the other state licensing authority, and verification of NCARB certification, offer architectural services in this state, but may accept no commission or otherwise engage in the practice of architecture within this state until licensed by the board.

AUTH: 37-1-319, 37-65-204, MCA
IMP: 37-1-141, 37-1-305, MCA

REASON: This rule is to be amended to remove a connotation of the word "expire" which was defined in HB 182 amendments. By removing this word from the rule, it eliminates the potential for misinterpretation. Under the new definition, an expired license is one that is not reactivated 45 days to two years after the renewal date. Therefore, an unexpired license is a license that has been reactivated 45 days to two years after the renewal date. The timeframe prior to the 45th day is not addressed the way the rule currently reads. The amendment would clarify that the nonresident architect must hold a current, unrestricted license in order to offer architectural services in Montana.

24.114.2101 RENEWALS (1) ~~Biennial renewals shall be issued by the board, upon receipt of biennial renewal fee. Notice of biennial renewal~~ Renewal notices shall be mailed to each licensed architect in advance of the renewal date will be sent as specified in [NEW RULE V]. The notice shall be returned with the renewal fee or late renewal fee to the board office.

(2) ~~The renewal date fee shall be due on is the date set forth in by ARM 8.2.208. However, a one-month grace period thereafter is provided by statute. A late renewal fee will be imposed upon any license which has not been renewed by July 31. Both a renewal fee and late renewal fee will be imposed for each year a license is lapsed.~~

(3) ~~A license that has lapsed for three successive years automatically terminates and may not be reinstated, and a new license must be obtained, and appropriate fees must be paid~~ The provisions of [NEW RULE VI] apply.

AUTH: 37-1-131, 37-1-141, 37-65-204, MCA
IMP: 37-1-131, 37-1-141, ~~37-65-306~~, MCA

REASON: It is reasonably necessary to change this rule to clarify the renewal notification process that will be completed by all Division Boards and Programs. Also, there is no current law to require a one-month grace period so that reference is being eliminated. A reference to the standard late penalty fee rule is being added to aid the user in determining the appropriate fees required if submitting after the renewal date. Section (3) is being amended because current language conflicts with amendments made in HB 182 and the requirements will be found in NEW RULE VI. See general statement of reasonable necessity for more detail.

BOARD OF ARCHITECTS
TOM WOOD, PRESIDENT

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF ATHLETICS

24.117.402 FEES (1) through (10) remain the same.
(11) Additional standardized fees are specified in [NEW RULE III].

AUTH: 23-3-405, 37-1-134, MCA
IMP: 23-3-405, 23-3-501, 37-1-134, 37-1-141, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have no fiscal impact. The Board of Athletics does not renew licenses therefore there will be no late penalty fees or status change fees. During the last fiscal year, the Board did not receive any requests for duplicate licenses, license verifications, license histories, licensee lists or rosters, or copy requests. It is anticipated this trend will continue.

24.117.406 GENERAL LICENSING REQUIREMENTS (1) remains the same.

(2) All licenses ~~shall expire on June 30 of each year~~ end on the date set by ARM 8.2.208 and are nonrenewable.

(3) through (15) remain the same.

AUTH: 23-3-405, 37-1-141, MCA
IMP: 23-3-404, 23-3-405, 23-3-501, 23-3-502, 37-1-141, MCA

REASON: It is reasonable and necessary to amend this rule in order to remove the specific renewal date as explained in the general reasonable necessity statement.

This rule is also to be amended to remove the word "expire" which was defined in HB 182 amendments. By removing this word from the rule, it eliminates the potential for misinterpretation. Under the new definition, an expired license is one that is not reactivated 45 days to two years after the renewal date. Athletics licenses are nonrenewable, therefore the provisions to renew an expired license are not applicable to these licensees.

BOARD OF ATHLETICS
KEVIN MCCARL, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF BARBERS AND COSMETOLOGISTS

24.121.401 FEES AND RENEWALS (1) through (9) remain the same.

~~(10) Late renewal penalty~~ 75

(11) remains the same but is renumbered (10).

~~(12) Duplicate license~~ 15

(13) remains the same but is renumbered (11).

~~(14) Document~~ 20

(12) Additional standardized fees are specified in [NEW RULE III].

(15) remains the same but is renumbered (13).

(14) Renewal notices will be sent as specified in [NEW RULE VI].

~~(16) (15) All individual licenses must be renewed on or before the renewal date a biennial basis and expire on December 31 of the renewal year set by ARM 8.2.208.~~

~~(a) If the completed renewal application is postmarked after December 31, or after the first business day of the new year if December 31 is a Sunday, the licensee shall pay a late renewal fee in addition to the license renewal fee.~~

~~(17) (16) All school licenses must be renewed on or before the renewal date an annual basis and expire on December 31 of each year set by ARM 8.2.208.~~

~~(a) If the completed school renewal application is postmarked after December 31, or after the first business day of the new year if December 31 is a Sunday, the licensee shall pay a late renewal fee in addition to the license renewal fee.~~

~~(18) (17) All salon, shop, and booth rental licenses must be renewed on or before the renewal date an annual basis and expire on July 1 of each year set by ARM 8.2.208.~~

~~(a) If the completed salon, shop or booth renewal application is postmarked after July 1, or after the first business day of the renewal year if July 1 is a Sunday, the licensee shall pay a late renewal fee in addition to the license renewal fee.~~

(18) The provisions of [NEW RULE VI] apply.

(19) and (20) remain the same.

AUTH: 37-1-131, 37-1-134, 37-1-141, 37-31-203, MCA

IMP: 37-1-134, 37-1-141, 37-31-302, 37-31-304, 37-31-305, 37-31-311, 37-31-312, ~~37-31-321, 37-31-322~~, 37-31-323, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) 120 licensees will request license verifications for no change in revenue;
- (2) 50 licensees will request duplicate licenses for a \$500 decrease in revenue;
- (3) 35 requests for licensee lists or rosters will be received for a \$1,050 increase in revenue;
- (4) three licensees will request status change for no change in revenue;
- (5) 13 licensees will request suspended license renewal for a \$292.50 decrease in revenue;

(6) nine licensees will request probationary license renewal for a \$202.50 decrease in revenue;

(7) 300 personal license licensees will pay the late penalty fee for a \$9,000 increase in revenue; and

(8) 100 salon or shop license licensees will pay the late penalty fee for a \$5,000 increase in revenue.

24.121.603 OUT-OF-STATE APPLICANTS (1) through (7) remain the same.

(8) Out-of-state applicants ~~whose licensure has lapsed and~~ who are not currently licensed in another state shall:

(a) through (9) remain the same.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-1-141, 37-1-304, 37-31-303, 37-31-304, 37-31-305, 37-31-308, MCA

REASON: It is reasonable and necessary to amend this rule to eliminate the reference to lapsed licensure. The definition of lapsed licensure in the other state may not be the same as in Montana. It is prudent to remove this reference in order to prevent misinterpretation and confusion.

24.121.609 LAPSED LICENSE found at ARM page 24-9103 is proposed to be repealed.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-1-141, ~~37-31-322~~, MCA

REASON: It is reasonable and necessary to repeal this rule. The provisions of ARM 24.121.609 are similar to those in proposed NEW RULE VI, which is referenced in ARM 24.121.401. Having similar information could lead to conflict and confusion. Therefore in keeping with the concept of standardized rules, this information more appropriately belongs in the Division rule instead of in the Board of Barbers and Cosmetologists rules.

24.121.2101 CONTINUING EDUCATION - INSTRUCTORS/INACTIVE INSTRUCTORS (1) through (7) remain the same.

(8) To activate an inactive instructor license, licensees shall submit evidence of completion of 15 hours of approved continuing education obtained within the 12-month period prior to activating the license. Licensees shall also be required to complete an additional 30 hours of continuing education before the ~~December 31~~ renewal date set by ARM 8.2.208.

AUTH: 37-1-131, 37-1-141, 37-1-319, 37-31-203, MCA

IMP: 37-1-141, 37-1-306, MCA

REASON: It is reasonable and necessary to amend this rule in order to remove the specific renewal date as explained in the general reasonable necessity statement. See general statement of reasonable necessity for more detail.

BOARD OF BARBERS AND COSMETOLOGISTS
WENDELL PETERSEN, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF CHIROPRACTORS

24.126.401 FEE SCHEDULE (1) through (3) remain the same. 50
~~(4) Late renewal fee~~
(5) through (11) remain the same but are renumbered (4) through (10).
(11) Additional standardized fees are specified in [NEW RULE III].
(12) All fees are non-refundable.

AUTH: 37-1-134, 37-12-201, MCA
IMP: 37-1-134, 37-1-141, 37-12-201, 37-12-302, 37-12-304, ~~37-12-307~~,
MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) ten licensees will request license verification for a \$200 increase in revenue;
- (2) five licensees will request duplicate licenses for a \$25 increase in revenue;
- (3) ten requests for licensee lists or rosters will be received for a \$160 increase in revenue;
- (4) one licensee will request a duplicate wall certificate for a \$20 increase in revenue;
- (5) eight licensees will request status change for a \$50 decrease in revenue;
- (6) one licensee will request probationary license renewal for a \$50 increase in revenue;
- (7) ten active chiropractor licensees will pay the late penalty fee for a \$1,000 increase in revenue; and
- (8) ten inactive chiropractor licensees will pay the late penalty fee for a \$900 decrease in revenue.

24.126.2101 RENEWALS - CONTINUING EDUCATION REQUIREMENTS

~~(1) The board shall send a renewal application form to the licensee's address on file in the board office prior to the renewal deadline. Failure of the licensee to receive a renewal~~
Renewal notices will be sent as specified in [NEW RULE V].

application form in no way releases the licensee from the obligation to renew his or her license in a timely manner.

(2) The renewal date for a chiropractic license is set by ARM 8.2.208.

(2) and (3) remain the same but are renumbered (3) and (4).

~~(4) (5) Licensees may renew their licenses for a period of one year after the expiration date of the license by paying a late fee and by submitting documentation of the appropriate continuing education requirements.~~ A license that is not renewed within ~~one~~ two years of the most recent renewal date automatically terminates. The terminated license may not be ~~reinstated~~ reactivated, and a new original license must be obtained by passing the special purposes examination for chiropractic (SPEC) administered by the National Board of Chiropractic Examiners and paying the appropriate fees in accordance with [NEW RULE III].

(6) The provisions of [NEW RULE VI] apply.

(5) through (8) remain the same but are renumbered (7) through (10).

AUTH: 37-1-134, 37-1-141, 37-1-319, 37-12-201, ~~37-12-307~~, MCA

IMP: 37-1-134, 37-1-141, 37-1-306, 37-1-319, ~~37-12-307~~, MCA

REASON: See general statement of reasonable necessity.

BOARD OF CHIROPRACTORS
DANIEL PRIDEAUX, D.C., PRESIDENT

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF CLINICAL LABORATORY SCIENCE PRACTITIONERS

24.129.401 FEES (1) through (2)(d) remain the same.

~~(e) late renewal fee (in addition to renewal fee)~~ 50

(f) remains the same but is renumbered (e).

~~(g) duplicate license fee~~ 25

(h) remains the same but is renumbered (f).

(g) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-34-201, MCA

IMP: 37-1-134, 37-1-141, 37-34-201, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) one licensee will request license verification for a \$20 increase in revenue;

(2) one request for licensee lists or rosters will be received for a \$50 increase in revenue;

- (3) two licensees will request duplicate wall certificates for a \$40 increase in revenue;
- (4) four licensees will request status change for a \$60 decrease in revenue;
- (5) 11 active clinical laboratory scientist licensees will pay the late penalty fee for a \$110 increase in revenue;
- (6) ten active clinical laboratory technician licensees will pay the late penalty fee for a \$100 increase in revenue;
- (7) one inactive clinical laboratory scientist licensee will pay the late penalty fee for a \$50 increase in revenue;
- (8) one inactive clinical laboratory technician licensee will pay the late penalty fee for a \$50 increase in revenue; and
- (9) one inactive clinical laboratory specialist licensee will pay the late penalty fee for a \$50 increase in revenue.

24.129.602 RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

(2) Licenses must be renewed on or before the date set by ARM 8.2.208.

~~(4) (3) If a license fee is received by the department after the renewal date set by ARM 8.2.208, the licensee shall pay a the late renewal penalty fee in accordance with [NEW RULE III]. Any person failing to renew a license within 45 days of the expiration date will be considered to have forfeited his or her license. Thereafter, the individual shall be treated as a new applicant for licensure, and shall be required to comply with all statutes and rules relating to new applicants for a license.~~

~~(2) Licenses will be renewed on an annual basis beginning with the May 1, 2000 renewal.~~

(4) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-34-201, MCA

IMP: 37-1-141, 37-34-201, 37-34-305, MCA

REASON: See general statement of reasonable necessity.

24.129.610 INACTIVE STATUS (1) and (1)(a) remain the same.

~~(b) paying the required fee in accordance with 37-34-204 37-1-134, MCA, and ARM 24.129.401.~~

~~(2) remains the same.~~

~~(3) With annual renewal, and payment of the required fee in accordance with ARM 24.129.401, a licensee may remain on inactive status. Failure to renew an inactive status license will result in forfeiture of the license pursuant to ARM 24.129.602.~~

~~(4) remains the same.~~

AUTH: 37-1-131, 37-1-134, 37-1-319, 37-34-201, MCA

IMP: 37-1-131, 37-1-134, 37-1-141, 37-1-319, 37-34-201, MCA

REASON: HB 182 was amended and the reference to setting fees commensurate with costs was removed from 37-34-201, MCA. This rule is being amended to make the rule agree with statute. Section (3) is being amended to remove an internal reference to a rule that is also being amended. The proposed amendment will delete information regarding forfeiture; therefore it is no longer necessary to have this internal reference.

BOARD OF CLINICAL LABORATORY SCIENCE
PRACTITIONERS
KAREN MCNUTT, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF DENTISTRY

24.138.301 DEFINITIONS For the purposes of this chapter, the following definitions apply:

(1) through (7) remain the same.

(8) "Retired or nonpracticing dentist or dental hygienist" is a person who has surrendered or ~~allowed not renewed~~ the individual's license ~~to expire~~ for non-disciplinary reasons and has ceased to practice the individual's profession for remuneration.

(9) remains the same.

AUTH: 37-1-131, 37-4-205, 37-4-340, 37-29-201, MCA

IMP: 37-4-101, 37-4-205, 37-4-340, 37-4-408, 37-29-201, MCA

REASON: It is reasonable and necessary to amend this rule to make the rule consistent with the intent of 37-1-141, MCA. See general statement of reasonable necessity for more detail.

24.138.402 FEE SCHEDULE (1) through (13) remain the same.

(14) Late renewal penalty 100

(15) Duplicate wall certificate (computer printed) 10

(16) Duplicate wall certificate (hand lettered) 30

(17) Lists 30

(18) remains the same but is renumbered (14).

(19) Copies (per page, over 50 pages) 0.20

(20) through (22) remain the same but are renumbered (15) through (17).

(18) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-131, 37-1-134, 37-4-205, 37-4-340, 37-4-405, MCA

IMP: 37-1-134, 37-1-141, 37-4-301, ~~37-4-303~~, 37-4-307, 37-4-340, 37-4-402, ~~37-4-403~~, 37-4-405, 37-4-406, ~~37-29-304~~, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) eight licensees will request duplicate licenses for a \$40 decrease in revenue;
- (2) 19 requests for licensee lists or rosters will be received for a \$380 increase in revenue;
- (3) no photocopies requests in excess of 20 pages will be received for a \$3.80 decrease in revenue;
- (4) two licensees will request duplicate wall certificates for a \$20 decrease in revenue;
- (5) 17 dentist licensees will pay the late penalty fee for a \$799 decrease in revenue;
- (6) 11 dental hygienist licensees will pay the late penalty fee for a \$1,430 decrease in revenue; and
- (7) one denturist licensee will pay the late penalty fee for no change in revenue.

24.138.517 DENTURIST LICENSE REINSTATEMENT (1) Upon application and payment of the appropriate fee, the board may reinstate a license ~~previously forfeited for non-payment of fee~~ if the applicant does each of the following:

- (a) through (f) remain the same.
- (g) pays renewal fees for each year they were unpaid, plus a the late penalty fee for each year as specified in [NEW RULE III].

AUTH: 37-1-141, 37-29-201, MCA
IMP: 37-1-141, MCA

REASON: It is reasonable and necessary to amend (1) to eliminate the cause of forfeiting the license. A license is not forfeited per se for failure to pay the required fees. In order for a license to be forfeited, the licensee must fail to submit the required information and pay the required fees within two years of the license renewal date. Also, the provision in 37-4-307, MCA, which allowed for a license to be forfeited for nonpayment of the renewal fee has been removed. In order to clarify the rule, this language is proposed to be deleted.

Also, see general statement of reasonable necessity for the rationale for amending (1)(g).

24.138.518 RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

- (2) ~~Each year licensees~~ Licensees shall:
 - (a) renew their licenses by the ~~elected~~ date stated in ARM ~~8-2-203~~ 8.2.208;
 - (b) submit ~~an annual~~ renewal form and fee, and a the late penalty fee as specified in [NEW RULE III], if applicable;
 - (c) and (d) remain the same.

~~(2) (3) In case of default by a dentist in payment of the annual renewal fee, the dentist will be subject to 37-4-307, MCA. The provisions of [NEW RULE VI] apply.~~

~~(3) In case of default by a dental hygienist in payment of the annual renewal fee, the dental hygienist will be subject to 37-4-406, MCA.~~

~~(4) In case of default in payment of the annual renewal fee by a licensee denturist:~~

~~(a) The denturist must forfeit the license. The board shall give the denturist 30 days notice of the proposed forfeiture action. The notice must be sent by certified letter addressed to the last known address of the denturist and must contain a statement of the time and place at which the forfeiture will be concluded.~~

~~(b) If the denturist pays the renewal fee, plus a delinquent fee as set forth in ARM 24.138.402, prior to the time set for forfeiture, the denturist license may not be forfeited.~~

~~(c) A denturist license forfeited for nonpayment of the renewal fee may be reinstated within five years of forfeiture if all requirements set forth in ARM 24.138.517 have been satisfied.~~

AUTH: 37-1-131, 37-1-141, 37-4-205, 37-29-201, MCA

IMP: 37-1-141, 37-4-307, 37-4-406, 37-29-306, MCA

REASON: It is reasonable and necessary to amend this rule because the provision in 37-4-307, MCA that allowed for a license to be forfeited for nonpayment of the renewal fee has been removed. Also, see general statement of reasonable necessity for more detail.

24.138.530 LICENSURE OF RETIRED OR NONPRACTICING DENTIST OR DENTAL HYGIENIST FOR VOLUNTEER SERVICE (1) through (4) remain the same.

(5) Volunteer licenses must be renewed annually by the date set by ARM 8.2.208.

AUTH: 37-1-131, 37-1-141, 37-4-204, 37-4-340, MCA

IMP: 37-1-141, 37-4-340, MCA

REASON: See general statement of reasonable necessity.

BOARD OF DENTISTRY
PAUL SIMS, D.D.S., PRESIDENT

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

STATE ELECTRICAL BOARD

24.141.405 FEE SCHEDULE (1) through (5) remain the same.

~~(6) Late renewal fee~~

50

(7) remains the same but is renumbered (6)

~~(8) License list~~

20

~~(9) (7) Fees are non-refundable.~~

(8) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-1-141, 37-68-201, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-68-304, 37-68-307, 37-68-310, 37-68-311, 37-68-312, 37-68-313, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) 30 licensees will request duplicate licenses for a \$150 increase in revenue;

(2) six requests for licensee lists or rosters will be received for a \$220 increase in revenue;

(3) 400 pages of photocopies will be requested for a \$100 decrease in revenue;

(4) four licensees will request license histories for an \$80 increase in revenue; and

(5) 150 licensees will pay the late penalty fee for a \$21,000 increase in revenue. This increase in revenue is for a two-year renewal cycle, therefore no late penalty fees were received in fiscal year 2005.

24.141.2101 RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

~~(2) Renewal dates The renewal date is shall be set forth in by ARM 8.2.208. Renewal is the responsibility of the licensee and although the board may send out reminder notices to the last known address of the licensee, the lack of receipt of such notice does not relieve the licensee of the responsibility of renewal.~~

(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-131, 37-1-141, 37-68-201, MCA

IMP: 37-1-141, 37-68-310, MCA

REASON: See general statement of reasonable necessity.

24.141.2102 CONTINUING EDUCATION (1) Each master, journeyman, and residential electrician license shall not be renewed unless the continuing education requirements imposed by this rule have been met, prior to a ~~July 15th~~ the renewal date set by ARM 8.2.208. Any licensee who fails to fulfill the continuing education requirements, imposed by this rule, ~~by the August 15th following a July 15th renewal date,~~ within 31 days following the renewal date, shall cause the license to ~~lapse~~ not be renewed. It is unlawful for a person whose license has ~~lapsed~~ not been renewed to perform electrical work in this state. For reinstatement ~~after August 15th and before July 15th of the next year,~~ before the end of the current renewal

period, the applicant shall have completed the continuing education requirements, certified that fact to the board and met all other renewal requirements.

(2) remains the same.

AUTH: 37-1-131, 37-1-319, 37-68-201, MCA

IMP: 37-1-306, 37-68-201, MCA

REASON: It is reasonable and necessary to amend (1) in order to remove the specific renewal date as explained in the general reasonable necessity statement. Amendments are also proposed to eliminate specific date references, but include language to designate the same timeframes and continue with the same intent for meeting the continuing education requirements.

STATE ELECTRICAL BOARD
TONY MARTEL, PRESIDENT

/s/ VIVIAN V. HAMMILL

Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY

Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF FUNERAL SERVICE

24.147.401 FEE SCHEDULE (1) through (7)(h) remain the same.

(i) ~~Late renewal penalty -- mortician, crematory
operator and technician (paid in addition to renewal fee)~~ 150

(j) ~~Late renewal penalty -- mortuary and
crematory license (paid in addition to renewal fee)~~ 150

(8) through (18) remain the same.

(19) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-131, 37-1-134, 37-19-202, 37-19-703, MCA

IMP: 37-1-134, 37-1-141, 37-19-301, 37-19-303, 37-19-304, ~~37-19-306~~, 37-19-401, 37-19-402, 37-19-403, 37-19-702, 37-19-703, 37-19-808, 37-19-814, 37-19-815, 37-19-816, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) five licensees will request license verification for a \$100 increase in revenue;

(2) five licensees will request duplicate licenses for a \$25 increase in revenue;

(3) five requests for licensee lists or rosters will be received for a \$150 increase in revenue;

(4) one mortician licensee will request status change for a \$50 increase in revenue;

- (5) five active mortician licensees will pay the late penalty fee for an \$800 decrease in revenue;
- (6) two inactive mortician licensees will pay the late penalty fee for a \$200 increase in revenue;
- (7) five active crematory operator licensees will pay the late penalty fee for a \$500 increase in revenue;
- (8) one inactive crematory operator licensee will pay the late penalty fee for a \$50 increase in revenue;
- (9) three active crematory technician licensees will pay the late penalty fee for a \$300 increase in revenue;
- (10) three mortuary licensees will pay the late penalty fee for a \$900 increase in revenue;
- (11) one branch facility licensee will pay the late penalty fee for a \$50 increase in revenue; and
- (12) one crematory licensee will pay the late penalty fee for a \$300 increase in revenue.

24.147.505 RENEWALS OF LICENSE ~~(1) (2)~~ All licenses, whether individual or establishment, with the exception of cemeteries, expire end annually and may be renewed pursuant to the provisions of this rule. If a license is not renewed, practice by a licensee, whether individual or an establishment, after the The renewal date is set forth in by ARM 8.2.208 will constitute unlicensed practice and will subject the licensee to disciplinary action as provided by statute and rule.

~~(2) (1)~~ Prior to the renewal date, the board office will mail a renewal form to the licensee's preferred mailing address on file with the board. Failure to receive such renewal form shall not relieve the licensee of the licensee's obligation to renew and pay renewal fees in a timely manner. Renewal notices will be sent as specified in [NEW RULE V].

(3) remains the same.

(4) Completed renewals forms submitted to the board after the date specified in ARM 8.2.208 shall be considered late and subject to a late penalty fee as specified in [NEW RULE III] in addition to the renewal fee. In the event of a late renewal, the licensee may be subject to disciplinary action by the board for unlicensed practice.

(5) remains the same.

(6) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-19-202, 37-19-301, ~~37-19-306~~, MCA

IMP: 37-1-141, 37-19-301, ~~37-19-306~~, MCA

REASON: See general statement of reasonable necessity. It is also reasonable and necessary to amend this rule to clarify that a late renewal does not necessarily constitute unlicensed practice. A licensee may not have renewed by the renewal date, but as long as the license is renewed within 45 days of the renewal date, the licensee is practicing with a lapsed license, which is not considered to be practicing without a license under 37-1-141, MCA.

24.147.1313 TRANSFER OF CEMETERY OWNERSHIP (1) and (2) remain the same.

(3) When there is a change of ownership pursuant to this rule, the existing certificate of authority shall ~~lapse~~ become void and a new certificate of authority shall be obtained from the Board of Funeral Service. No person shall purchase a cemetery, including purchase at a sale for delinquent taxes, or purchase more than 50% of the equitable ownership of a cemetery authority without having obtained a certificate of authority from the Board of Funeral Service prior to the purchase of the cemetery, or such an ownership interest in the cemetery authority.

(4) and (5) remain the same.

AUTH: 37-19-807, MCA

IMP: 37-19-815, MCA

REASON: See general statement of reasonable necessity. Also, it is reasonable and necessary to amend this rule to clarify the terminology. When the word "lapse" was inserted into the rule, the "three tier" licensing concept of lapse, expire, and terminate was not being used. Therefore, it is necessary to explain at what point the existing certificate of authority no longer remains valid.

BOARD OF FUNERAL SERVICE
R. J. BROWN, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF HEARING AID DISPENSERS

24.150.301 DEFINITIONS (1) through (6) remain the same.

(7) "Substantially equivalent," for the purposes of 37-1-304, MCA, means the applicant has successfully completed a written and practical examination administered by or authorized by a state other than Montana. The examination shall measure basic knowledge of the fitting and dispensing of hearing aids ~~and comply with the requirements set forth in 37-16-403 and 37-16-404, MCA.~~ In addition, the applicant shall have successfully completed a training period of direct supervision for no less than 90 days. To satisfy the substantial equivalency requirement, the board shall accept formal training, in its discretion, in lieu of the traineeship.

AUTH: 37-16-202, 37-16-303, MCA

IMP: 37-1-131, 37-1-304, 37-16-301, 37-16-303, 37-16-304, 37-16-414, MCA

REASON: It is reasonable and necessary to amend this rule because HB 182 repealed 37-16-403 and 37-16-404, MCA. Therefore, the reference to these statutes is no longer appropriate to be included in the rule.

24.150.401 FEES (1) through (1)(h) remain the same.

- ~~(i) Penalty for late renewal paid~~ 175
- ~~in addition to renewal fee (active or inactive)~~
- ~~(j) Lists of licensees~~ 20
- (2) Additional standardized fees are specified in [NEW RULE III].
- (2) remains the same but is renumbered (3).

AUTH: 37-1-134, 37-16-202, MCA

IMP: 37-1-134, 37-1-141, 37-16-202, 37-16-402, ~~37-16-404~~, 37-16-405, ~~37-16-407~~, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) one licensee will request a duplicate license for a \$5 increase in revenue;
- (2) one request for licensee lists or rosters will be received for a \$50 increase in revenue;
- (3) five licensees will request status change for an \$875 increase in revenue;
- and
- (4) four licensees will pay the late penalty fee for a \$400 increase in revenue.

24.150.505 INACTIVE STATUS (1) remains the same.

- (2) Inactive licensees shall not be required to meet the continuing education requirements ~~under 37-16-407, MCA.~~
- (3) and (4) remain the same.

AUTH: 37-1-319, 37-16-202, MCA

IMP: 37-1-131, 37-1-306, ~~37-16-407~~, MCA

REASON: It is reasonable and necessary to amend this rule because HB 182 repealed 37-16-407, MCA. Therefore, the reference to this statute is no longer appropriate to be included in the rule.

24.150.2101 RENEWALS (1) ~~The board shall send renewal application forms to the licensee's address on file in the board office~~ Renewal notices will be sent as specified in [NEW RULE V] prior to the renewal deadline date set by ARM 8.2.208. ~~Failure to receive a renewal application form in no way releases the licensee from the obligation to renew in a timely manner, and shall not constitute a defense for practicing without a license.~~

- (2) remains the same.
- (3) ~~Licensees may renew their licenses within three years after the expiration date of the license by paying one renewal fee, one additional late fee and submission of documentation of continuing education that would have been required had the license remained active~~ The provisions of [NEW RULE VI] apply.
- (4) ~~A license that is not renewed within three years of the most recent renewal date automatically terminates. The terminated license may not be~~

~~reinstated, and a new original license must be obtained by passing the licensing examination.~~

AUTH: 37-1-141, 37-1-319, 37-16-202, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 37-16-407, MCA

REASON: See general statement of reasonable necessity.

24.150.2201 CONTINUING EDUCATIONAL REQUIREMENTS (1) The licensee must submit an affidavit, subscribed and sworn, stating that the licensee completed at least ten clock hours of continuing education. Such evidence must be presented by ~~June 30th of each year~~ the date set in ARM 8.2.208.

(2) through (8) remain the same.

AUTH: 37-1-319, 37-16-202, MCA

IMP: 37-1-131, 37-1-306, MCA

REASON: See general statement of reasonable necessity.

BOARD OF HEARING AID DISPENSERS
BECKIE HOFFMAN, SECRETARY

/s/ VIVIAN V. HAMMILL

Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY

Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF MEDICAL EXAMINERS

GENERAL REASONABLE NECESSITY STATEMENT FOR THE BOARD OF MEDICAL EXAMINERS:

In addition to the general reasonable necessity statement for the Division rule changes given at the beginning of this document, the following general reasonable necessity statement applies to the rule changes proposed for the Board of Medical Examiners rules.

The Board of Medical Examiners previously approved renewing licenses biennially instead of annually. In order to better serve the public and be more efficient, the renewal frequency change is being included in this notice. By consolidating these changes with the changes implementing HB 182, the number of times the same rules are amended over a short period of time is decreased, prevents running simultaneous amendments to the same rules, decreases the cost of promulgating rules by reducing the number of rulemaking notices required, and eliminates the misconception that license fee amounts changed several times within a short time period, or that licensees were over regulated.

The total amount of the renewal fee is not changing; there will be no fiscal impact by moving from annual renewal to biennial renewal. It was arbitrarily decided that even numbered licenses would renew for a one-year period while odd numbered licenses would renew for a two-year period during the transition from annual renewals to biennial renewals. The new renewal structure is proposed to begin with the 2007 renewal cycle. Therefore, these licensees will have adequate time to prepare for the fee submittal change. The holders of odd numbered licensees will not renew their license during the 2008 renewal cycle.

The option of promulgating a separate rule notice addressing the renewal frequency and corresponding change to the fee rule was considered, but deemed to be inefficient, costly, and burdensome to the licensees. Therefore, the renewal frequency changes are being proposed at this time.

24.156.601 FEE SCHEDULE (1) through (1)(c) remain the same.

(d) Renewal fee (active)

(i) even numbered licenses renewing for one year 200

(ii) odd numbered licenses renewing for two years 400

(e) Renewal fee (inactive)

(i) even numbered licenses renewing for one year 100

(ii) odd numbered licenses renewing for two years 200

(f) Renewal fee (inactive-retired)

(i) even numbered licenses renewing for one year 32.50

(ii) odd numbered licenses renewing for two years 65

(g) ~~Penalty fee~~ 150

(h) ~~Verification fee~~ 20

(2) Additional standardized fees to be charged are specified in [NEW RULE

III].

(3) All fees are nonrefundable.

AUTH: 37-1-134, 37-1-141, 37-1-319, 37-3-203, MCA

IMP: 37-1-134, 37-1-141, 37-3-203, 37-3-304, 37-3-308, 37-3-309, 37-3-311, 37-3-313, MCA

REASON: See both general statements of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) 50 licensees will request duplicate licenses for a \$250 increase in revenue;

(2) 127 requests for licensee lists or rosters will be received for a \$3,175 increase in revenue;

(3) ten licensees will request status change for a \$1,000 increase in revenue;

(4) two physician, osteopath, or podiatrist licensees will request suspended license renewal for a \$200 decrease in revenue;

(5) one EMT, nutritionist, or physician assistant licensee will request suspended license renewal for a \$15 decrease in revenue;

- (6) 122 physician or podiatrist licensees will pay the late penalty fee for a \$6,250 increase in revenue;
- (7) ten physician assistant licensees will pay the late penalty fee for a \$500 decrease in revenue;
- (8) 24 EMT F licensees will pay the late penalty fee for a \$480 increase in revenue;
- (9) 96 EMT B licensees will pay the late penalty fee for a \$2,880 increase in revenue;
- (10) 13 EMT P licensees will pay the late penalty fee for a \$780 increase in revenue;
- (11) five EMT I licensees will pay the late penalty fee for a \$225 increase in revenue; and
- (12) three acupuncturist or nutritionist licensees will pay the late penalty fee for a \$300 decrease in revenue.

24.156.602 NONREFUNDABLE FEES found at ARM page 24-15041 is proposed to be repealed.

AUTH: 37-3-203, MCA
IMP: 37-3-314, MCA

REASON: This rule is to be repealed in order to standardize policies and procedures within the Department as directed by HB 182. It is standard practice for the fee rules of the Department to identify that fees are nonrefundable. It would have been necessary to amend ARM 24.156.602 to reflect the migration to a biennial basis instead of an annual basis. By repealing the rule instead of amending it, the fee rule will now be consistent with other Division rules.

24.156.615 ANNUAL REGISTRATION RENEWALS AND FEES

(1) ~~Annual registration~~ Renewal notices are to will be sent by the department on or before February 1 of each year as specified in [NEW RULE V].

(2) Beginning with the 2007 renewal cycle, one-half of the licensees will renew for a period of one year.

(a) Licensees with an even numbered license will renew for a one-year period.

(b) Licensees with an odd numbered license will renew for a two-year period.

(c) Following the completion of this phase-in to biennial renewal, all licensees will renew for a period of two years.

~~(2) (3)~~ (3) A physician actively engaged in the practice of medicine ~~on~~ with a permanent license shall pay an ~~annual~~ license fee. If the physician does not pay the annual license fee and return the required renewal form and required information before April 1 the date set by ARM 8.2.208, the physician must pay the ~~delinquency~~ late penalty fee ~~listed~~ specified in ARM 24.156.604 [NEW RULE III], in order to renew the physician's license.

~~(3) (4)~~ (4) A physician with a permanent license not actively engaged in the practice of medicine in this state or absent from this state for a period of one or more

years may renew as an inactive licensee ~~for~~ and pay the annual inactive fee listed in ARM 24.156.601.

~~(4)~~ (5) A physician with a permanent license not ~~actively~~ engaged in the practice of medicine and who has retired from practice may renew his license as an inactive-retired licensee ~~for an annual~~ and pay the fee listed in ARM 24.156.601. A retired license may not be reactivated. The individual must reapply for a new original license.

(6) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-134, 37-1-141, 37-3-203, MCA

IMP: 37-1-134, 37-1-141, 37-3-313, MCA

REASON: See both general statements of reasonable necessity.

24.156.617 ACTIVE AND INACTIVE LICENSE (1) through (2) remain the same.

(a) As used in this rule, "renewal period" means:

(i) for even numbered licenses, the time one-year period from April 1 the renewal date as listed in ARM 8.2.208 of a given year through March 31 of the following year. the day immediately prior to the renewal date of the following year;

(ii) for odd numbered licenses, the two-year period from the renewal date as listed in ARM 8.2.208 of a given year through the day immediately prior to the renewal date of the two-year cycle.

(b) remains the same.

(c) Beginning with the 2007 renewal cycle, one-half of the licensees will renew for a period of one year. An active license must be renewed annually, as provided in 37-3-313, MCA. as follows:

(i) licensees with an even numbered license will renew for a one-year period;
and

(ii) licensees with an odd numbered license will renew for a two-year period.

(3) remains the same.

(a) Beginning with the 2007 renewal cycle, one-half of the licensees will renew for a period of one year. An inactive license must be renewed annually by a the renewal date set by the department; in ARM 8.2.208 as follows:

(i) licensees with an even numbered license will renew for a one-year period;
and

(ii) licensees with an odd numbered license will renew for a two-year period.

(b) To renew a license on inactive status, a physician must pay a fee prescribed by the board, and ~~return a completed the renewal form to the board office prior to April 1; the date set by ARM 8.2.208.~~

~~(c) If both the renewal fee and completed renewal form are not returned to the board office prior to April 1, the physician must pay a penalty fee prescribed by the board in order to renew the license.~~

(4) remains the same.

(a) Beginning with the 2007 renewal cycle, one-half of the licensees will renew for a period of one year. An inactive-retired license must be renewed annually by a the renewal date set by the department; in ARM 8.2.208 as follows:

and (i) licensees with an even numbered license will renew for a one-year period:

(ii) licensees with an odd numbered license will renew for a two-year period.

~~(b) To renew a license on inactive-retired status, a physician must pay a fee prescribed by the board, and return a completed renewal form to the board office prior to April 1.~~

~~(c) (b) If both the renewal fee and completed renewal form are not returned to the board office prior to April 1 the date specified in ARM 8.2.208, the physician must pay a the late penalty fee prescribed by the board specified in [NEW RULE III] in order to renew the license.~~

~~(5) If a physician holding an inactive or inactive-retired license fails to pay the prescribed renewal fee or fails to return the completed annual renewal form by April 1, the physician's license may be revoked by the board on 30 days' notice of the date, time and place the board will consider the revocation.~~

~~(a) A registered or certified letter sent to the last known address of the physician, as the address appears on the records of the department, constitutes sufficient notice of intention to revoke the inactive or inactive-retired license.~~

~~(b) If the physician pays the renewal fee and any required penalty fee and provides the completed annual renewal form before the date and time fixed for consideration of revocation, the license may not be revoked for nonpayment or failure to return the completed annual renewal form.~~

~~(6) The department may collect a renewal fee and any required penalty fee by an action at law.~~

AUTH: 37-1-141, 37-1-319, MCA

IMP: 37-1-141, 37-1-319, MCA

REASON: See both general statements of reasonable necessity.

24.156.805 FEES (1) remains the same.

(a) The applicant shall submit an application fee of \$300 in the form of a check or money order payable to the board.

(b) The licensee shall submit a renewal fee of \$150 biennially (on or before the expiration of two years from the date the certificate is issued date set by ARM 8.2.208) in the form of a check or money order payable to the board, together with a completed renewal form approved by the board.

(2) Additional standardized fees are specified in [NEW RULE III].

(2) remains the same but is renumbered (3).

AUTH: 37-1-134, 37-1-141, 37-3-203, MCA

IMP: 37-1-134, 37-1-141, 37-3-344, 37-3-345, ~~37-3-346~~, 37-3-347, MCA

REASON: See both general statements of reasonable necessity. Fiscal impact information follows ARM 24.156.601.

24.156.808 CERTIFICATE RENEWALS APPLICATION (1) Renewal notices will be sent as specified in [NEW RULE V]. Every two years the licensee

shall complete and return an application for renewal on a form approved by the board, together with payment of the application renewal fee. The application for renewal and renewal fee are due on or before March 30, of the renewal year.

(2) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-3-203, MCA

IMP: 37-1-141, 37-3-346, MCA

REASON: See both general statements of reasonable necessity.

24.156.1002 FEES (1) (a) The annual renewal fee for a podiatrist, whether actively engaged or not, in the practice of podiatry in the state of Montana shall be:

(i) even numbered licenses renewing for one year \$200-

(ii) odd numbered licenses renewing for two years 400

(2) (1) The following fees will be charged:

(a) (b) Endorsement or reciprocity \$325

(b) Penalty fee 150

(c) Verification of licensure 20

(2) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-1-141, 37-6-106, MCA

IMP: 37-1-134, 37-1-141, 37-3-203, 37-6-302, ~~37-6-303~~, MCA

REASON: See both general statements of reasonable necessity. Fiscal impact information follows ARM 24.156.601.

24.156.1004 ANNUAL RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

(2) The annual renewal date for a podiatry license is ~~October 31~~ the date set by ARM 8.2.208.

(3) Beginning with the 2007 renewal cycle, one-half of the licensees will renew for a period of one year.

(a) Licensees with an even numbered license will renew for a one-year period.

(b) Licensees with an odd numbered license will renew for a two-year period.

(c) Following the completion of this phase-in to biennial renewal, all licensees will renew for a period of two years.

(4) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-6-106, MCA

IMP: 37-1-141, 37-6-304, MCA

REASON: See both general statements of reasonable necessity.

24.156.1302 FEES (1) and (1)(a) remain the same.

(b) Renewal fee

(i) even numbered licenses renewing for one year \$ 50

(ii) <u>odd numbered licenses renewing for two years</u>	100
(c) <u>Late fee</u>	150
(d) <u>Verification of licensure</u>	20
(2) <u>Additional standardized fees are specified in [NEW RULE III].</u>	

AUTH: 37-1-134, 37-1-141, 37-25-201, MCA

IMP: 37-1-134, 37-1-141, 37-3-203, 37-25-201, 37-25-302, ~~37-25-307~~, MCA

REASON: See both general statements of reasonable necessity. Fiscal impact information follows ARM 24.156.601.

24.156.1305 LICENSE RENEWALS (1) ~~Forms of application for renewal of licenses will be mailed to all licensees by the board 30 days prior to expiration of existing licenses~~ Renewal notices will be sent as specified in [NEW RULE V].

(2) ~~(4)~~ Completed applications for renewal, together with renewal fees and proof of current registration by the commission must be received no later than October 31 the date set by ARM 8.2.208.

(3) Beginning with the 2007 renewal cycle, one-half of the licensees will renew for a period of one year.

(a) Licensees with an even numbered license will renew for a one-year period.

(b) Licensees with an odd numbered license will renew for a two-year period.

(c) Following the completion of this phase-in to biennial renewal, all licensees will renew for a period of two years.

~~(3) License fees will be treated as delinquent and subject to a late charge or fee on all renewal applications postmarked after October 31.~~

~~(4) (5) Failure to renew by October 31 will be treated as a violation of a rule of the board and grounds for disciplinary action under 37-25-308(4), MCA. The provisions of [NEW RULE VI] apply.~~

~~(5) (2) The annual renewal date for a nutritionist license is October 31 the date set by ARM 8.2.208.~~

AUTH: 37-1-131, 37-1-141, 37-25-201, MCA

IMP: 37-1-141, 37-25-307, MCA

REASON: See both general statements of reasonable necessity.

24.156.1402 FEES (1) remains the same.

(2) ~~The annual renewal fee to practice acupuncture will be:~~

(a) even numbered licenses renewing for one year \$ 50-

(b) odd numbered licenses renewing for two years 100

~~An additional \$150 will be charged for late renewal.~~

~~(3) The board will charge a fee of \$20 for written verification of licensure.~~

(3) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-1-141, 37-13-201, 37-13-301, 37-13-302, 37-13-304, 37-13-305, MCA
IMP: 37-1-134, 37-1-141, 37-3-203, 37-13-302, 37-13-304, 37-13-305, ~~37-13-306~~, MCA

REASON: See both general statements of reasonable necessity. Fiscal impact information follows ARM 24.156.601.

24.156.1411 ANNUAL RENEWALS DATE (1) Renewal notices will be sent as specified in [NEW RULE V].

(2) The annual renewal date for an acupuncture license is ~~October 31~~ the date set by ARM 8.2.208.

(3) Beginning with the 2007 renewal cycle, one-half of the licensees will renew for a period of one year.

(a) Licensees with an even numbered license will renew for a one-year period.

(b) Licensees with an odd numbered license will renew for a two-year period.

(c) Following the completion of this phase-in to biennial renewal, all licensees will renew for a period of two years.

(4) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-13-201, MCA

IMP: 37-1-141, 37-13-306, MCA

REASON: See both general statements of reasonable necessity.

NEW RULE VII RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

(2) The renewal date for a physician assistant license is the date set by ARM 8.2.208.

(3) Beginning with the 2007 renewal cycle, one-half of the licensees will renew for a period of one year.

(a) Licensees with an even numbered license will renew for a one-year period.

(b) Licensees with an odd numbered license will renew for a two-year period.

(c) Following the completion of this phase-in to biennial renewal, all licensees will renew for a period of two years.

(4) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-20-202, MCA

IMP: 37-1-141, 37-20-302, MCA

REASON: It is reasonable and necessary to adopt this new rule as a means of keeping with the intent of HB 182 and standardizing certain aspects of license renewal including setting uniform standards for license renewals, including renewal periods, and notification periods. Several licensing entities do not have specific rules that address renewals, or have existing rules where it is appropriate to include

language that addresses licensee notification regarding upcoming renewal dates, or clarification of new statutory definitions regarding license renewal. Therefore, this new rule is proposed in order to incorporate the three components that have been included within the text of numerous other rules to fulfill the changes brought about by HB 182. It is appropriate to propose the new rule at this time in order to maintain consistency regarding renewal requirements among all entities licensed by the Division. See also both general statements of reasonable necessity.

24.156.1605 FEES (1) remains the same.

(2) The fee for ~~annual~~ renewal of a license is as follows:

(a) even numbered licenses renewing for one year \$100-

(b) odd numbered licenses renewing for two years 200

~~If said renewal is late, there is an additional \$150 fee.~~

(3) through (5) remain the same.

(6) ~~The fee for verification of licensure is \$20.~~ Additional standardized fees are specified in [NEW RULE III].

(7) All fees provided for in this rule are non-refundable.

~~(8) The date for annual license renewal and payment of fees therefore is set by the department.~~

AUTH: 37-1-134, 37-1-141, 37-20-201, MCA

IMP: 37-1-134, 37-1-141, 37-20-203, 37-20-302, MCA

REASON: See both general statements of reasonable necessity. Fiscal impact information follows ARM 24.156.601.

24.156.2717 EMT LICENSE RENEWAL (1) Renewal notices will be sent as specified in [NEW RULE VI].

(2) EMT licenses are issued on a biennial renewal cycle. EMT licenses ~~expire on March 31~~ must be renewed on or before the date set by ARM 8.2.208 of the last year of the two-year cycle.

~~(2) (3)~~ Except as provided in ~~(3) (4)~~, in order to renew an EMT license, the licensee must:

(a) through (c) remain the same.

(3) through (5) remain the same but are renumbered (4) through (6).

~~(6) For the EMT license renewal cycle following July 1, 2005, if the completed renewal application is postmarked after March 31 of the renewal year, the licensee will be assessed a late renewal fee in addition to the license renewal fee set in ARM 24.156.2731.~~

(7) The provisions of [NEW RULE VI] apply.

~~(7) Waivers of the late fee are at the discretion of the board.~~

AUTH: 37-1-141, 50-6-203, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 50-6-203, MCA

REASON: See both general statements of reasonable necessity.

24.156.2719 LAPSED EXPIRED LICENSE (1) An ~~lapsed expired~~ EMT license may be renewed upon completion of an ~~lapsed expired~~ license renewal application. To renew an ~~lapsed expired~~ license the applicant shall:

(a) complete an ~~lapsed expired~~ license renewal application and submit it to the board;

(b) pay the license fee plus late ~~renewal~~ penalty fee as specified in [NEW RULE III] for each year the license has ~~lapsed expired~~ up to ~~three~~ two years;

(c) and (d) remain the same.

(2) ~~Pursuant to 37-1-141, MCA, a professional or occupational license that has not been renewed within three years of the most recent renewal date automatically terminates. The provisions of [NEW RULE VI] apply.~~

~~(3) A lapsed license that has terminated may not be reinstated. A person whose license has lapsed shall re-apply for licensure and complete a new application pursuant to ARM 24.156.2713.~~

AUTH: 37-1-141, 37-3-203, 50-6-203, MCA

IMP: 37-1-141, 50-6-203, MCA

REASON: See both general statements of reasonable necessity.

24.156.2731 FEES (1) through (1)(i) remain the same.

~~(j) verification of licensure fee~~

20.00

(k) and (l) remain the same but are renumbered (j) and (k).

~~(2) (3)~~ All fees provided for in this rule are non-refundable and are not prorated for portions of the licensing period.

(2) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-1-141, 50-6-203, MCA

IMP: 37-1-134, 37-1-141, 50-6-203, MCA

REASON: See both general statements of reasonable necessity. Fiscal impact information follows ARM 24.156.601.

BOARD OF MEDICAL EXAMINERS
DR. MICHAEL LAPAN, D.P.M., PRESIDENT

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF NURSING

8.32.306 APPLICATION FOR RECOGNITION (1) through (2)(f) remain the same.

(g) payment of non-refundable ~~statutory~~ fee.

(3) remains the same.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-134, 37-8-202, 37-8-409, ~~37-8-431~~, MCA

REASON: The reference to a statutory fee is being deleted because this infers that the fee will be found in statute and this is not the case. Board fees are set by rule and even though rules have the force and effect of law, the reference to "statutory" fee is misleading. Removing the word clarifies the intent of the rule. See general statement of reasonable necessity for more detail regarding hyphenation change.

8.32.402 LICENSURE BY EXAMINATION (1) remains the same.

(2) The executive director is authorized to negotiate the contract ~~with the national council of state boards of nursing, inc.~~ for licensing examination services.

(3) through (13) remain the same.

AUTH: 37-8-202, MCA

IMP: 37-1-131, 37-8-406, 37-8-416, MCA

REASON: It is reasonable to delete the reference to a specific entity that provides licensing examination services. Listing the contractor serves no purpose and would require the rule be amended if the contract is awarded to some other testing service or if the entity name changes. The entire section was not deleted because the department feels the section is necessary to clarify that the executive director is authorized to represent the board in negotiating the licensing examination contract.

8.32.410 DUPLICATE OR LOST LICENSES (1) and (2) remain the same.

(3) Upon written request, and payment of the proper fee as specified in [NEW RULE III], the board may provide a duplicate renewal certificate.

AUTH: 37-8-202, MCA

IMP: 37-1-134, 37-8-202, MCA

REASON: See general statement of reasonable necessity.

8.32.411 RENEWALS (1) ~~In November of each even-numbered year, the board of nursing shall mail an application for renewal of license to all currently licensed registered nurses and licensed practical nurses~~ Renewal notices will be sent as specified in [NEW RULE V]. The licensee must fill out the renewal application and return it to the board ~~BEFORE January 1 of the next year, by the date set by ARM 8.2.208,~~ together with the renewal fee. Upon receiving the renewal application and fee, the board shall issue a certificate of renewal for the ~~current year beginning January 1 of the odd-numbered year, and expiring December 31 of the even-numbered year.~~ two-year period following the renewal date set by ARM 8.2.208. If the renewal application is postmarked ~~subsequent to December 31 of~~ after the renewal year deadline, it is subject to a the late penalty fee of ~~two times the renewal fee~~ specified in [NEW RULE III].

(2) ~~A license shall be renewed by January 1 of the odd-numbered years. Any person practicing nursing during the time a license has elapsed shall be~~

considered an illegal practitioner and may be subject to the penalties provided for violators under the provisions of this chapter. The provisions of [NEW RULE VI] apply.

(3) ~~In November of even-numbered years, the board shall mail an application for renewal of license to~~ Renewal notices will be sent to all currently licensed advanced practice registered nurses (APRNs) as specified in [NEW RULE V]. The licensee shall complete the application and return it, the proof of continuing education required by ARM 8.32.411, and the renewal fee to the board before ~~January 1 the date set by ARM 8.2.208.~~ Upon receiving the completed renewal application and fee, the board shall issue a certificate of renewal for the ~~current two-year period beginning January 1 and expiring December 31~~ following the date set by ARM 8.2.208. If the renewal application is postmarked ~~subsequent to December 31 after the renewal deadline,~~ it is subject to a late penalty fee of two times the renewal fee specified in [NEW RULE III]. Any person practicing during the time a license has lapsed shall be considered an illegal practitioner and may be subject to the penalties provided for violators under the provisions of this chapter. The provisions of [NEW RULE VI] apply.

(a) through (4) remain the same.

AUTH: 37-1-131, 37-1-141, 37-8-202, MCA

IMP: 37-1-134, 37-1-141, 37-8-202, ~~37-8-431~~, MCA

REASON: See general statement of reasonable necessity.

8.32.425 FEES (1) through (6) remain the same.

~~(7) The fee for late renewal of a license is double the regular renewal fee.~~

(8) and (9) remain the same but are renumbered (7) and (8).

~~(10) The verification fee is \$25.~~

~~(11) The fee for a duplicate renewal certificate is \$20.~~

(12) and (13) remain the same but are renumbered (9) and (10).

~~(14) The fee for checks issued with non-sufficient funds as notified by the department's management services, is \$50.~~

(15) through (20) remain the same but are renumbered (11) through (16).

(17) Additional standardized fees are specified in [NEW RULE III].

AUTH: ~~37-1-134~~, 37-1-319, 37-8-202, MCA

IMP: 37-1-134, 37-1-141, 37-8-202, ~~37-8-431~~, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) 85 licensees will request license verification for a \$425 decrease in revenue;

(2) ten licensees will pay the status change fee for a \$300 decrease in revenue; and

(3) seven licensees with a suspended license will pay the renewal fee for a \$210 decrease in revenue.

8.32.426 GENERAL REQUIREMENTS FOR LICENSURE AS MEDICATION

AIDE (1) through (3) remain the same.

(4) Licenses shall be issued for one-year periods, and shall expire on the date set by ARM 8.2.208 March 31 of each year.

(5) ~~In February of each year, the board office will mail all currently licensed medication aides a renewal application~~ Renewal notices will be sent as specified in [NEW RULE V] which must be completed and returned to the board before April 1 the date set by ARM 8.2.208, together with the renewal fee.

~~(6) Any person practicing as a medication aide without a license or during the time the license is lapsed shall be considered an unlicensed practitioner and may be subject to the penalties provided by law for practicing without a license.~~

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-1-141, 37-8-101, 37-8-202, MCA

REASON: See general statement of reasonable necessity.

8.32.1501 PRESCRIPTIVE AUTHORITY FOR ELIGIBLE APRNS

(1) through (3) remain the same.

(4) The Board of Pharmacy will be notified in a timely manner when the status of an APRN's prescriptive authority changes of an APRN is terminated, suspended or reinstated.

AUTH: 37-8-202, MCA

IMP: 37-8-202, MCA

REASON: It is reasonable and necessary to amend this rule to eliminate terminology that could be confusing and unclear to licensees and the public. HB 182 defines terminated licenses as licenses that have not been renewed or reactivated within two years of lapsing. An APRN's prescriptive authority is tied to the APRN license, therefore using "terminated" in this rule could be confusing. An APRN can maintain APRN licensure without having prescriptive authority, but they must also renew prescriptive authority in order to maintain it.

8.32.1509 TERMINATION SUSPENSION OR REVOCATION OF PRESCRIPTIVE AUTHORITY (1) The Board of Nursing may impose discipline up to and including ~~termination~~ suspension or revocation of an advanced practice registered nurse's prescriptive authority when one or more of the following criteria apply:

(a) through (e) remain the same.

(2) An advanced practice registered nurse whose prescriptive authority has ~~terminated ended will not~~ is not authorized to prescribe until ~~the advanced practice registered nurse has received written notice~~ is received from the board of nursing that his or her the prescriptive authority has been reinstated ~~by the board.~~

AUTH: 37-8-202, MCA

IMP: 37-8-202, MCA

REASON: It is reasonable and necessary to amend this rule to eliminate terminology that could be confusing and unclear to licensees and the public. HB 182 defines terminated licenses as licenses that have not been renewed or reactivated within two years of lapsing. An APRN's prescriptive authority is tied to the APRN license, therefore using "terminated" in this rule could be confusing. An APRN can maintain APRN licensure without having prescriptive authority, but they must also renew prescriptive authority in order to maintain it.

After an APRN's license expires, the APRN has no prescriptive authority until the license and prescriptive authority are reinstated by the board. Changing the words that describe the action of the Board would provide clarity. The word change in (2) would also clarify that the ending of an APRN's prescriptive authority is in effect until reactivation notification by the Board has been received.

8.32.1510 RENEWAL OF PRESCRIPTIVE AUTHORITY (1) The term of an APRN's prescriptive authority will expire ends on December 31 of even-numbered years the date set by ARM 8.2.208.

(2) remains the same.

(a) a completed renewal application and a non-refundable fee;

(b) through (3) remain the same.

(4) If an APRN fails to renew prescriptive authority prior to the expiration renewal date of that authority, the APRN's prescriptive authority will expire end. The APRN may not prescribe until renewal is completed and the APRN has received written notice that the prescriptive authority has been reinstated.

AUTH: 37-1-141, 37-8-202, MCA

IMP: 37-8-202, MCA

REASON: See general statement of reasonable necessity. It is also reasonable and necessary to amend this rule to eliminate terminology that could be confusing and unclear to licensees and the public. HB 182 defines terminated licenses as licenses that have not been renewed or reactivated within two years of lapsing. An APRN's prescriptive authority is tied to the APRN license, therefore using "terminated" in this rule could be confusing. An APRN can maintain APRN licensure without having prescriptive authority.

After an APRN's license expires, the APRN has no prescriptive authority until the license and prescriptive authority are reinstated by the Board. Changing the word that describes the action of the Board would provide clarity. The word changes in (4) would also clarify that the ending of an APRN's prescriptive authority is in effect until reactivation notification by the Board has been received.

BOARD OF NURSING
KAREN POLLINGTON, R.N., CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF NURSING HOME ADMINISTRATORS

<u>24.162.420 FEE SCHEDULE</u> (1) through (1)(f) remain the same.	
(g) duplicate license	40
(h) lists of licensees	40
(i) verification of licensure	40
(j) late renewal (if paid after December 31)-	100
<u>(2) Additional standardized fees are specified in [NEW RULE III].</u>	
(2) (3) All fees are non-refundable.	
(3) remains the same but is renumbered (4).	

AUTH: 37-1-131, 37-1-134, 37-9-304, MCA
IMP: 37-1-131, 37-1-134, 37-1-141, 37-9-304, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) ten licensees will request license verifications for a \$100 increase in revenue;
 - (2) one licensee will request a duplicate license for a \$5 increase in revenue;
 - (3) four requests for licensee lists or rosters will be received for a \$160 increase in revenue;
 - (4) one licensee will request status change for a \$60 increase in revenue;
- and
- (5) five licensees will pay the late penalty fee for a \$125 increase in revenue.

24.162.2101 RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

~~(2) An application for renewal of license for any year shall be filed on or before January 1 of that year the date set by ARM 8.2.208 and must be accompanied by the required fee, which shall not be refunded.~~

~~(2) (3) The renewal fee for any year is due and payable on or before January 1 the date set by ARM 8.2.208 of that year. Renewal fees paid by mail shall be considered as paid when due if the envelope bears a postmark of or earlier.~~

(4) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-9-201, MCA
IMP: 37-1-141, 37-9-304, 37-9-305, MCA

REASON: See general statement of reasonable necessity.

BOARD OF NURSING HOME
ADMINISTRATORS
DEBORAH WILSON, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF OCCUPATIONAL THERAPY PRACTICE

- 24.165.401 FEES (1) through (1)(c) remain the same. 40
~~(d) Late license renewal~~
(e) and (f) remain the same but are renumbered (d) and (e).
~~(g) Duplicate license fee~~ 40
~~(h) License verification fee~~ 30
(2) Additional standardized fees are specified in [NEW RULE III].
~~(2)~~ (3) All fees are non-refundable.

AUTH: 37-1-131, 37-1-134, 37-24-201, 37-24-202, MCA
IMP: 37-1-134, 37-1-141, 37-24-310, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) 39 licensees will request license verifications for a \$390 decrease in revenue;
- (2) one licensee will request a duplicate license for a \$5 increase in revenue;
- (3) 26 requests for licensee lists or rosters will be received for a \$780 increase in revenue;
- (4) one licensee will request a duplicate wall certificate for a \$20 increase in revenue;
- (5) five licensees will request a status change for a \$50 increase in revenue; and
- (6) six licensees will pay the late penalty fee for a \$240 increase in revenue.

24.165.407 EXAMINATIONS (1) ~~For the purposes of 37-24-304(2), MCA,~~
~~the~~ The board adopts as its examination the examinations in existence on May 30, 1986, offered through the National Board of Certification in Occupational Therapy (NBCOT).

(2) through (5) remain the same.

AUTH: 37-1-131, 37-24-201, 37-24-202, MCA
IMP: 37-1-131, 37-24-304, MCA

REASON: It is reasonable and necessary to amend this rule to delete the reference to 37-24-304, MCA that was repealed by HB 182.

NEW RULE VIII RENEWALS (1) The renewal date for an occupational therapist or occupational therapist assistant license is the date set by ARM 8.2.208.
(2) Renewal notices will be sent as specified in [NEW RULE V].
(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-24-201, 37-24-202, 37-1-141, MCA

IMP: 37-1-141, 37-24-102, 37-24-301, 37-24-306, MCA

REASON: It is reasonable and necessary to adopt this new rule as a means of keeping with the intent of HB 182 and standardizing certain aspects of license renewal including setting uniform standards for license renewals, including renewal periods, and notification periods. Several licensing entities do not have specific rules that address renewals, or have existing rules where it is appropriate to include language that addresses licensee notification regarding upcoming renewal dates, or clarification of new statutory definitions regarding license renewal. Therefore, this new rule is proposed in order to incorporate the three components that have been included within the text of numerous other rules to fulfill the changes brought about by HB 182. It is appropriate to propose the new rule at this time in order to maintain consistency regarding renewal requirements among all entities licensed by the Division.

BOARD OF OCCUPATIONAL THERAPY PRACTICE
DEB AMMONDSON, O.T., CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF OPTOMETRY

<u>24.168.401 FEE SCHEDULE</u> (1) and (2) remain the same.	
(3) Penalty for late renewal	150
(4) remains the same but is renumbered (3).	
(5) Copies per page	.25
(6) remains the same but is renumbered (4).	
(7) List of licensees	20
<u>(5) Additional standardized fees are specified in [NEW RULE III].</u>	

AUTH: 37-1-131, 37-1-134, 37-10-202, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-10-302, ~~37-10-307~~, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) 15 licensees will request license verifications for a \$300 increase in revenue;

- (2) four licensees will request duplicate licenses for a \$20 increase in revenue;
- (3) three requests for licensee lists or rosters will be received for a \$90 increase in revenue;
- (4) one licensee will request a duplicate wall certificate for a \$20 increase in revenue; and
- (5) four licensees will pay the late penalty fee for a \$650 increase in revenue.

24.168.2101 REQUIREMENTS (1) remains the same.

(a) A copy of this ~~act~~ rule shall be sent to each licensee by the board prior to the license renewal date set by ARM 8.2.208 each year.

(b) through (5) remain the same.

AUTH: 37-1-141, 37-1-319, 37-10-202, MCA

IMP: 37-1-141, 37-1-306, MCA

REASON: See general statement of reasonable necessity. It is also necessary to clarify the language in (1)(a) to specify exactly what is to be sent to the licensee.

NEW RULE IX RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

(2) The renewal date for an optometrist license is the date set by ARM 8.2.208.

(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-10-202, MCA

IMP: 37-1-141, MCA

REASON: It is reasonable and necessary to adopt this new rule as a means of keeping with the intent of HB 182 and standardizing certain aspects of license renewal including setting uniform standards for license renewals, including renewal periods, and notification periods. Several licensing entities do not have specific rules that address renewals, or have existing rules where it is appropriate to include language that addresses licensee notification regarding upcoming renewal dates, or clarification of new statutory definitions regarding license renewal. Therefore, this new rule is proposed in order to incorporate the three components that have been included within the text of numerous other rules to fulfill the changes brought about by HB 182. It is appropriate to propose the new rule at this time in order to maintain consistency regarding renewal requirements among all entities licensed by the Division. See also general statement of reasonable necessity.

BOARD OF OPTOMETRY
LARRY OBIE, O.D., PRESIDENT

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF OUTFITTERS

24.171.401 FEES (1) through (1)(c)(i) remain the same.

~~(ii) late renewal penalty~~

~~applications postmarked Jan. 1 – Jan. 31~~ 100

~~applications postmarked after Feb. 1~~ 300

(iii) remains the same but is renumbered (ii).

(d) through (m) remain the same.

(n) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-131, 37-1-134, 37-47-201, 37-47-306, MCA

IMP: 37-1-134, 37-1-141, 37-47-304, 37-47-306, 37-47-307, 37-47-308, 37-47-310, 37-47-316, 37-47-317, 37-47-318, MCA

REASON: Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) ten licensees will request license verifications for a \$200 increase in revenue;

(2) 50 licensees will request duplicate licenses for a \$250 increase in revenue;

(3) four requests for photocopies will be received for a \$7.60 increase in revenue;

(4) two requests for certified photocopies will be received for an \$88.70 increase in revenue;

(5) 25 licensees will request license histories for a \$500 increase in revenue;

(6) ten licensees will request status change for no change in revenue;

(7) three licensees will request suspended license renewal for no change in revenue;

(8) 15 licensees will request probationary license renewal for a \$300 increase in revenue; and

(9) 30 licensees will pay the late penalty fee for a \$1,100 increase in revenue.

24.171.2101 OUTFITTER RENEWALS (1) The provisions of [NEW RULES V and VI] apply.

(1) through (1)(e) remain the same but are renumbered (2) through (2)(e).

~~(2) (3) If an An outfitter does not must submit a completed renewal application with the required fee in accordance with (4) (2) on or before December 31 the date set by ARM 8.2.208 of each license year the outfitter shall immediately cease practice until a renewal application is submitted and approved by the board.~~

~~(3) Upon submission of a completed application for late renewal, payment of a renewal fee in accordance with (1) and late fee, an outfitter may renew his or her license until April 1 of the new license year. An outfitter license for which a renewal application has not been filed on or before April 1 of the new license year may not be renewed. The individual previously holding such license shall thereafter be treated~~

~~as a new applicant for purposes of establishing the qualifications for licensure and payment of licensing fees.~~

(4) remains the same.

AUTH: 37-1-131, 37-47-201, MCA

IMP: 37-1-104, 37-1-141, 37-47-201, 37-47-302, 37-47-304, 37-47-306, 37-47-307, MCA

REASON: It is reasonable and necessary to amend the catchphrase of this rule in order to standardize the catchphrases for all renewal rules throughout the Division rules. This change is in keeping with the intent of HB 182. It is further amended to avoid conflict with 37-1-141, MCA.

The deletion of (3) is reasonable and necessary because this section conflicts with 37-1-141, MCA, which as amended, allows a lapsed or expired license to be renewed within two years after the license renewal date.

BOARD OF OUTFITTERS
MEL MONTGOMERY, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF PHARMACY

<u>24.174.401 FEE SCHEDULE</u> (1) through (3) remain the same.	
(4) Pharmacist late renewal	110
(5) and (6) remain the same but are renumbered (4) and (5).	
(7) Certified pharmacy late renewal fee	200
(8) through (18) remain the same but are renumbered (6) through (16).	
(19) Wholesale drug distributor late renewal fee	150
(20) and (21) remain the same but are renumbered (17) and (18).	
(22) Copies of documents	45
(23) remains the same but is renumbered (19).	
<u>(20) Additional standardized fees are specified in [NEW RULE III].</u>	

AUTH: 37-1-134, 37-7-201, MCA

IMP: 37-1-134, 37-1-141, 37-7-201, 37-7-302, ~~37-7-303,~~ 37-7-321, 37-7-703, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) ten licensees will request duplicate licenses for a \$50 increase in revenue;

(2) three requests for licensee lists or rosters will be received for a \$150 increase in revenue;

(3) 12 requests for certified copies will be received for a \$60 increase in revenue; and

(4) two licensees with a suspended license will pay the renewal fee for a \$55 increase in revenue.

24.174.1402 APPLICATION FOR REGISTRATION OR RENEWALS

(1) remains the same.

(2) ~~Forms for renewal~~ Renewal notices will be mailed to each registered person or entity sent as specified in [NEW RULE V]. ~~60 days before the expiration date of the registration at the last known address. The applicant is required to notify the board of current changes of address within 10 days.~~

(3) remains the same but is renumbered (4).

(3) The provisions of [NEW RULE VI] apply.

AUTH: 50-32-103, MCA

IMP: 37-1-141, 50-32-301, MCA

REASON: It is reasonable and necessary to amend this rule to standardize renewal language throughout the Division renewal rules. The reference to change of address notice requirements is being deleted because there is no "penalty" for noncompliance. However, it is in the best interest of the licensee to maintain a current address with the Division. See general statement of reasonable necessity for more detail.

24.174.2103 REGISTERED PHARMACIST- RENEWALS NOTICE AND APPLICATION (1) ~~The board will mail an appropriate annual renewal~~ Renewal notices to all licensed Montana pharmacists 60 days will be sent as specified in [NEW RULE V] prior to the renewal date set forth in by ARM 8.2.208. Failure to receive such notice shall not relieve the licensee of the licensee's obligation to file the renewal and pay the renewal fees in such a manner that they are received by the board on or before the renewal date or a late fee will be assessed.

(a) through (3) remain the same.

(4) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-319, MCA

IMP: 37-1-141, 37-1-306, MCA

REASON: See general statement of reasonable necessity.

24.174.2107 REGISTERED PHARMACIST CONTINUING EDUCATION - NON-COMPLIANCE (1) Failure to meet the annual license renewal requirements set forth in ARM 8.2.208 will be cause for the license to lapse. ~~Reinstatement may be considered as provided in 37-7-303, MCA, as amended. For reinstatement after June 30 and before July 1 of the next year, the applicant shall have completed the~~

continuing education requirements and certify that fact to the board as stated in ARM 24.174.2103.

AUTH: 37-1-319, MCA

IMP: 37-1-141, 37-1-306, MCA

REASON: See general statement of reasonable necessity. The reference to 37-7-303 is proposed to be removed because this section was repealed by HB 182, therefore the reference is obsolete.

BOARD OF PHARMACY
WILLIAM BURTON, R. Ph., CHAIRPERSON

/s/ VIVIAN V. HAMMILL

Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY

Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF PHYSICAL THERAPY EXAMINERS

<u>24.177.401 FEES</u> (1) through (1)(c) remain the same.	
(d) Late renewal (if paid after April 1)	50
(e) through (g) remain the same but are renumbered (d) through (f).	
(h) Duplicate license	5
(i) Lists	5
(j) Verification for licensure	40
<u>(2) Additional standardized fees are specified in [NEW RULE III].</u>	
(2) (3) All fees are non-refundable.	

AUTH: 37-1-134, 37-11-201, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-11-201, 37-11-304, 37-11-307, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) 50 licensees will request license verifications for a \$1,000 increase in revenue;
- (2) five licensees will request duplicate licenses for a \$25 increase in revenue;
- (3) 25 requests for licensee lists or rosters will be received for a \$1,110 increase in revenue;
- (4) 35 physical therapy licensees will pay the late penalty fee for a \$350 increase in revenue; and
- (5) five physical therapy assistant licensees will pay the late penalty fee for no change in revenue.

24.177.410 LIST OF LICENSED PHYSICAL THERAPISTS (1) Upon written request and payment of the applicable fee as listed in [NEW RULE III] \$5, the board office shall mail to an interested person a list of licensed physical therapists. The list is furnished by the board for public information purposes only. It is not intended for use by private parties as a mailing list and no permission has been obtained from the individual licensees for such purposes. The use of material supplied by a state agency as a mailing list to private parties without the permission of those on the list is prohibited by 2-6-109, MCA.

AUTH: 37-1-134, 37-11-201, MCA

IMP: 37-11-201, MCA

REASON: See general statement of reasonable necessity.

24.177.504 TEMPORARY LICENSES (1) Applicants for licensure who are holders of a license in another state may be issued a temporary license to practice pending licensure by the board. An interview with at least one board member may be required. Said temporary license will ~~expire~~ terminate when the board makes its final determination on licensure.

(2) and (3) remain the same.

AUTH: 37-1-131, 37-1-319, 37-11-201, MCA

IMP: 37-1-305, ~~37-11-309~~, MCA

REASON: See general statement of reasonable necessity.

24.177.2101 RENEWALS OF LICENSE (1) ~~As provided by 37-11-308, MCA, all~~ All licenses must be renewed on or before the renewal date set by ARM 8.2.208.

(2) Renewal notices ~~Notices~~ will be sent as specified in [NEW RULE VI] ~~to the last address which the licensee has made available to the board.~~ It shall be the licensee's responsibility to notify the board immediately upon change of address. ~~Failure to receive a renewal notice shall not constitute grounds for failure to make timely renewal.~~

(3) The provisions of [NEW RULE VI] apply.

~~(3)~~ (4) A person may not practice as a physical therapist or a physical therapist assistant in this state when their license has ~~lapsed~~ expired for failure to timely renew.

AUTH: 37-1-131, 37-11-201, MCA

IMP: 37-1-141, ~~37-11-308~~, MCA

REASON: See general statement of reasonable necessity.

BOARD OF PHYSICAL THERAPY EXAMINERS
BRUCE LAMB, P.T., CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF PLUMBERS

24.180.401 FEE SCHEDULE

(1) Application fee <u>(nonrefundable)</u>	\$ 30
non-refundable	
(2) through (6) remain the same.	
(7) Replacement of certificates	15
(8) Late fee	
(a) Journeyman	150
(b) Master	250
(9) through (12) remain the same but are renumbered (7) through (10).	
(13) Copies of documents	20
(11) <u>Additional standardized fees are specified in [NEW RULE III].</u>	

AUTH: 37-1-134, 37-69-202, 37-69-401, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-69-202, ~~37-69-307~~, 37-69-401, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) one duplicate license will be issued for a \$10 decrease in revenue;
- (2) 14 journeyman plumbers will pay the late penalty fee for a \$1,050 decrease in revenue; and
- (3) 11 journeymen plumbers will pay the late penalty fee for a \$1,375 decrease in revenue.

24.180.410 DUPLICATE AND LOST LICENSES (1) Duplicate licenses shall be provided by the board to persons requesting the same in writing, upon payment of the replacement fee as specified in [NEW RULE III].

AUTH: 37-69-202, MCA

IMP: 37-1-134, 37-1-141, ~~37-69-307~~, MCA

REASON: See general statement of reasonable necessity.

24.180.607 TEMPORARY PRACTICE PERMITS (1) remains the same.

(2) A temporary permit shall ~~expire~~ run out on the last day of the month of the next scheduled examination or upon receipt of the results, whichever occurs first. If the applicant fails or does not write the next scheduled examination, a temporary

permit may be renewed at the discretion of the board, on a case-by-case basis upon receipt of a letter requesting renewal of a temporary practice permit and stating their intention to take the next scheduled examination. The letter must be accompanied by the examination fee. If the applicant does not take the next scheduled examination, the temporary practice permit will ~~expire~~ run out and the examination fee will be forfeited.

(3) remains the same.

(4) If the applicant does not appear for, cancels, or fails the next scheduled examination, the second temporary permit ~~expires~~ runs out on the date the board office learns of that occurrence.

(5) remains the same.

AUTH: 37-1-319, MCA

IMP: 37-1-305, MCA

REASON: See general statement of reasonable necessity.

24.180.707 ANNUAL RENEWAL OF ENDORSEMENT (1) All medical gas endorsements ~~shall expire~~ must be renewed annually on or before the date set by ARM 8.2.208. Each endorsement holder must submit a renewal form, proof of a current certification, and the required renewal fee. ~~Failure to submit the annual renewal fee and to renew the endorsement within 30 days following the expiration date shall require the applicant to reapply for endorsement as required by board rule.~~

AUTH: 37-1-141, 37-69-202, 37-69-401, MCA

IMP: 37-1-141, 37-69-401, MCA

REASON: It is reasonable and necessary to amend this rule to delete the reference to the frequency of endorsement renewal. By deleting this reference within the Board's rule, it avoids the potential for having conflicts between ARM 8.2.208, the rule that sets renewal dates and individual Board rules. This section is also being amended to remove the language that conflicts with 37-1-141, MCA, and NEW RULE VI.

24.180.2101 RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE VI]. ~~may be mailed prior to the expiration of the license by the department, at the discretion of the board, to the address on file. It shall be the responsibility of the licensee to keep his current address on file with the board.~~

(2) All master and journeyman licenses ~~shall expire on~~ must be renewed on or before the date set in ARM 8.2.208. ~~It is unlawful for a person who refuses or fails to pay the renewal fee to practice plumbing work in this state. A lapsed license may be reinstated within one year of the default without examination on payment of the arrears, and compliance with board requirements. A lapsed license not renewed within one year following its expiration date terminates automatically. The terminated license may not be reinstated, and a new original license must be obtained by submitting a new application, meeting the current requirements, passing~~

the examination, and paying the appropriate fee.

(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-101, 37-1-141, 37-69-202, MCA

IMP: 37-1-141, ~~37-69-307~~, MCA

REASON: See general statement of reasonable necessity.

BOARD OF PLUMBERS
TIM REGAN, PRESIDING OFFICER

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

PRIVATE SECURITY PATROL OFFICERS AND INVESTIGATORS

24.182.401 FEE SCHEDULE (1) through (1)(c) remain the same.

(d) Certified firearms instructor (~~biannual~~) 100

(e) through (2)(c) remain the same.

(d) Certified firearms instructor (~~biannual~~) 100

(e) remains the same.

(f) ~~Late renewal~~ 50

(3) remains the same.

(a) ~~Duplicate license or photo~~ Photo ID card
(original lost or destroyed) 10

(b) through (d) remain the same.

(e) ~~License history/license verification~~ 45

(f) and (g) remain the same but are renumbered (e) and (f).

(h) ~~Copies, per page~~ .35

(i) ~~Certified copies, per page~~ .50

(j) remains the same but is renumbered (g).

(4) Additional standardized fees are specified in [NEW RULE III].

(4) remains the same but is renumbered (5).

AUTH: 37-1-134, 37-1-141, 37-60-202, MCA

IMP: 25-1-1104, 37-1-134, 37-1-141, 37-60-304, ~~37-60-312~~, MCA

REASON: See general statement of reasonable necessity. It is also reasonable and necessary to amend this rule to remove the reference to biannual fees for certified firearms instructors. The rule inadvertently uses biannual (twice per year), when the intent is to collect the fee on an annual basis.

Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) five contract security company licensees will pay the late penalty fee for a \$250 increase in revenue;

- (2) 40 security guard licensees will pay the late penalty fee for a \$300 increase in revenue;
- (3) ten alarm installer licensees will pay the late penalty fee for a \$200 increase in revenue;
- (4) ten private investigator licensees will pay the late penalty fee for a \$500 increase in revenue;
- (5) five resident manager licensees will pay the late penalty fee for a \$225 increase in revenue;
- (6) two qualifying agent licensees will pay the late penalty fee for a \$50 increase in revenue;
- (7) three certified firearms instructor licensees will pay the late penalty fee for a \$300 increase in revenue; and
- (8) 100 licensees will request license verifications or license histories for a \$500 increase in revenue.

24.182.511 PRIVATE INVESTIGATOR TRAINEE (1) through (3) remain the same.

(4) Trainee licenses ~~expire annually~~ must be renewed as set forth in ARM 8.2.208.

(5) remains the same.

AUTH: 37-60-202, MCA

IMP: 37-60-202, MCA

REASON: See general statement of reasonable necessity.

24.182.513 LICENSE RENEWALS (1) ~~The board shall send each licensee, by mail to the licensee's last known address, an application for renewal, indicating the renewal fee, prior to expiration of license~~ Renewal notices will be sent as specified in [NEW RULE V].

(2) The renewal date is set by ARM 8.2.208.

(3) At renewal, the board may require applicants to submit one recent photograph showing full face, head, and shoulders of the applicant, with the application for renewal to be used for the current identification card.

~~(3) (4) Expired licenses may be renewed within 90 days of the renewal date, as shown in ARM 8.2.208, upon payment of the renewal fee and late fee. If more than 90 days have passed since expiration, to obtain a new license the applicant must:~~ The provisions of [NEW RULE VI] apply.

~~(a) submit a new application;~~

~~(b) take and pass the appropriate examination; and~~

~~(c) pay the required fees.~~

AUTH: 37-1-141, 37-60-202, MCA

IMP: 37-1-141, ~~37-60-312~~, MCA

REASON: See general statement of reasonable necessity. It is also reasonable and necessary to delete (3) because it conflicts with 37-1-141, MCA, as amended by HB 182.

BOARD OF PRIVATE SECURITY PATROL
OFFICERS AND INVESTIGATORS
LINDA SANEM, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS

24.183.404 FEE SCHEDULE (1) through (3)(f)(iv) remain the same.
~~(g) Late renewal fees post marked after June 30 of even number years. The late renewal fee is in addition to the biennial renewal fees stated above.~~
~~(i) Professional engineer 45~~
~~(ii) Professional land surveyor 45~~
~~(iii) Dual license as a professional engineer and land surveyor 55~~
~~(iv) Certificate of Authority 12.50~~
(h) through (h)(iv) remain the same but are renumbered (g) through (g)(iv).
(v) Certificate of Authority issued in conjunction with late renewal 12.50
(4) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-67-202, MCA

IMP: 37-1-134, 37-1-141, 37-1-319, 37-67-303, 37-67-312, 37-67-313, ~~37-67-315~~, 37-67-320, 37-67-321, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) 416 licensees will request license verifications for an \$8,320 increase in revenue;
- (2) 45 licensees will request duplicate licenses for a \$225 increase in revenue;
- (3) six requests for licensee lists or rosters will be received for a \$300 increase in revenue;
- (4) 15 licensees will request duplicate wall certificates for a \$300 increase in revenue;
- (5) 25 licensees will request status change for no change in revenue;
- (6) one licensee will request suspended license renewal for no change in revenue;
- (7) one licensee will request probationary license renewal for no change in revenue; and

(8) 230 licensees will pay the late penalty fee for a \$33,475 increase in revenue.

24.183.2101 EXPIRATION OF LICENSE- RENEWALS (1) Licenses ~~expire must be renewed every second year on or before the date established in set by~~ ARM 8.2.208 and shall be renewed as outlined in ~~37-67-315, MCA, upon receipt of the renewal fee set by the board.~~

(2) ~~The department will renewal~~ Renewal notices will be sent as specified in [NEW RULE V]. ~~notify every licensee by mailing a letter to the address in the roster or to a corrected address 30 to 60 days prior to the date of expiration of the license. The letter renewal notice will specify the fees for renewal for a two-year period. The letter and will include a form for a statement by the licensee that the licensee has maintained the licensee's professional competency during the preceding biennium. This statement must be signed and returned to the board before the license will be renewed.~~

(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-67-202, MCA

IMP: 37-1-141, ~~37-67-315~~, MCA

REASON: See general statement of reasonable necessity.

24.183.2103 LATE RENEWALS (1) Any renewal postmarked after the renewal date specified in ARM 8.2.208 is considered late and subject to a the late renewal penalty fee as specified in [NEW RULE III].

~~(2) The late renewal fee is 50% of the normal renewal fee as shown in ARM 24.183.405.~~

~~(3) Failure to receive a renewal notice from the board shall not relieve the licensee of the licensee's obligation to pay renewal fees in such a manner that they are postmarked on or before the renewal date.~~

(2) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-134, 37-67-202, MCA

IMP: 37-1-141, ~~37-67-315~~, MCA

REASON: See general statement of reasonable necessity.

24.183.2104 EXPIRED CERTIFICATE - RENEWAL GRACE PERIOD found at ARM page 24-21290 is proposed to be repealed.

AUTH: 37-67-202, MCA

IMP: 37-67-315, MCA

REASON: It is reasonable and necessary to repeal ARM 24.183.2104 because it will conflict with 37-1-141, MCA, and NEW RULE VI as proposed. Also, the Department has determined once an individual is licensed, that individual should renew the license as opposed to being considered a new applicant. This decision

was made in order to more accurately provide a complete history of a licensee. If licensees were allowed to apply as a new applicant instead of renewing and paying a late penalty fee because this was cheaper for the licensee, the public would not know that the person had been previously licensed. This could also potentially allow for previous disciplinary action against a licensee to go unnoticed.

BOARD OF PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS
DENIS APPLEBURY, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF PSYCHOLOGISTS

24.189.401 FEE SCHEDULE (1) through (1)(d) remain the same.

~~(e) Late renewal fee~~

100

(2) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-17-202, MCA

IMP: 37-1-134, 37-1-141, 37-17-302, 37-17-303, 37-17-306, 37-17-307,
MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) 15 licensees will request license verifications for a \$300 increase in revenue;

(2) five licensees will request duplicate licenses for a \$25 increase in revenue;

(3) 17 requests for licensee lists or rosters will be received for a \$510 increase in revenue;

(4) no requests for photocopies in excess of 20 pages will be received for a \$18.30 decrease in revenue;

(5) one licensee will request a duplicate wall certificate for a \$20 increase in revenue;

(6) one licensee will request suspended license renewal for a \$125 increase in revenue; and

(7) 17 licensees will pay the late penalty fee for a \$2,550 increase in revenue.

24.189.407 RENEWALS (1) ~~At least one month (December 1) before the renewal date (January 1 of the following year), a renewal~~ Renewal ~~notice~~ notices will be sent as specified in [NEW RULE V]. ~~by the department to each certificate holder to the last address in the board's file. Failure to receive such notice shall not relieve~~

the certificate holder of his obligation to pay renewal fees in such a manner that they are received by the department on or before the renewal date.

(2) A renewed license shall be valid for one year following must be renewed on or before the expiration renewal date set by ARM 8.2.208 of the previously held license.

(3) ~~The board reserves the right to allow renewal of a license after the time when renewal would normally have been required if the circumstances justify such action.~~

(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-131, 37-1-141, 37-17-202, MCA

IMP: 37-1-141, 37-17-306, MCA

REASON: See general statement of reasonable necessity.

24.189.2107 CONTINUING EDUCATION IMPLEMENTATION (1) and (2) remain the same.

(a) ~~Commencing on or before December 31, 1992, licensees with even-numbered licenses shall submit 20 hours of continuing education credit on their license renewals. Thereafter, licensees~~ Licensees with even-numbered licenses shall submit 40 hours of continuing education credit on or before ~~December 31~~ the renewal date set by ARM 8.2.208 of each even-numbered calendar year. Licensees in this category will not report continuing education on the odd-numbered years but must renew their licenses each year.

(b) ~~Commencing on or before December 31, 1993, licensees~~ Licensees with odd-numbered licenses shall submit 40 hours of continuing education credit on or before ~~December 31~~ the renewal date set by ARM 8.2.208 of each odd-numbered calendar year. Licensees in this category will not report continuing education on the even-numbered years but must renew their licenses each year.

(c) through (f) remain the same.

AUTH: 37-1-319, 37-17-202, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 37-17-202, MCA

REASON: See general statement of reasonable necessity. It is also reasonable and necessary to amend the rule to remove obsolete information. By removing this unnecessary information, it provides clarity to the rule.

BOARD OF PSYCHOLOGISTS
JAY PALMATIER, Ph. D., CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF PUBLIC ACCOUNTANTS

<u>24.201.410 FEE SCHEDULE</u> (1) through (1)(f) remain the same.	
(g) Late fees for renewals postmarked after the deadline date:	
(i) Permit to practice	50
(ii) Non-permit holder	25
(h) (g) Late fee for failure to comply with CPE requirements in accordance with ARM 24.201.2106	100
(i) (h) Late fee for failure to submit CPE reporting form by July 31 within one month following the end of the CPE reporting of each year	25
(j) through (l) remain the same but are renumbered (i) through (k).	
<u>(2) Additional standardized fees are specified in [NEW RULE III].</u>	
(2) remains the same but is renumbered (3).	

AUTH: 37-1-134, 37-50-203, 37-50-204, 37-50-323, MCA

IMP: 37-1-134, 37-1-141, 37-50-204, ~~37-50-308~~, 37-50-314, ~~37-50-317~~, 37-50-323, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) 100 licensees will request license verification for a \$2,000 increase in revenue;
- (2) 15 licensees will request duplicate licenses for a \$75 increase in revenue;
- (3) four requests for licensee lists or rosters will be received for a \$44 decrease in revenue;
- (4) 40 pages of photocopies will be requested for a \$10 increase in revenue;
- (5) three licensees will request duplicate wall certificates for a \$15 increase in revenue;
- (6) one licensee will request probationary license renewal for no change in revenue; and
- (7) 85 licensees will pay the late penalty fee for a \$5,500 increase in revenue.

24.201.2101 EXPIRATION- RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE VI].

(2) Pursuant to 37-50-314 and 37-50-317, MCA, all All certified public accountants and licensed public accountants certificates, licenses, and permits to practice expire on must be renewed on or before the date set by department rule in ARM 8.2.208.

(2) remains the same but is renumbered (3).

(4) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-131, 37-50-201, 37-50-203, MCA

IMP: 37-1-141, 37-50-203, 37-50-314, ~~37-50-317~~, MCA

REASON: See general statement of reasonable necessity.

BOARD OF PUBLIC ACCOUNTANTS
GARY KASPER, L.P.A., CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF RADIOLOGIC TECHNOLOGISTS

NEW RULE X RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

(2) The renewal date for a radiologic technologist license is the date set by ARM 8.2.208.

(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-14-202, MCA
IMP: 37-1-141, MCA

REASON: It is reasonable and necessary to adopt this new rule as a means of keeping with the intent of HB 182 and standardizing certain aspects of license renewal including setting uniform standards for license renewals, including renewal periods, and notification periods. Several licensing entities do not have specific rules that address renewals, or have existing rules where it is appropriate to include language that addresses licensee notification regarding upcoming renewal dates, or clarification of new statutory definitions regarding license renewal. Therefore, this new rule is proposed in order to incorporate the three components that have been included within the text of numerous other rules to fulfill the changes brought about by HB 182. It is appropriate to propose the new rule at this time in order to maintain consistency regarding renewal requirements among all entities licensed by the Division. See also general statement of reasonable necessity.

24.204.401 FEE SCHEDULE (1) through (1)(c) remain the same.

~~(d) Late renewal fee (in addition to renewal fee)~~ 50

~~(e) Duplicate or lost licenses or certificates~~ 5

~~(f) Verification/certification of licensure to another state~~ 5

(d) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-14-202, MCA
IMP: 37-1-134, 37-1-141, 37-14-305, ~~37-14-309~~, ~~37-14-310~~, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) eight licensees will request license verifications for a \$160 increase in revenue;

- (2) five licensees will request duplicate licenses for a \$25 increase in revenue;
- (3) four requests for licensee lists or rosters will be received for a \$120 increase in revenue;
- (4) one licensee will request a duplicate wall certificate for a \$20 increase in revenue; and
- (5) 20 licensees will pay the late penalty fee for a \$1,000 increase in revenue.

24.204.404 PERMIT FEES (1) through (4) remain the same.

~~(5) Late renewal fee (in addition to renewal fee)~~ 50

(6) and (7) remain the same but are renumbered (5) and (6).

(7) Additional standardized fees are specified in [NEW RULE III].

~~(8) Document~~ 20

AUTH: 37-1-134, 37-14-202, 37-14-306, ~~37-14-310~~, MCA

IMP: 37-1-134, 37-1-141, 37-14-306, ~~37-14-309~~, ~~37-14-310~~, MCA

REASON: See general statement of reasonable necessity. Fiscal impact statement appears with ARM 24.204.401.

24.204.2102 WAIVER OF CONTINUING EDUCATION REQUIREMENT

(1) In the event of hardship such as a disabling illness or other personal emergency which substantially interferes with a permit holder's ability to meet the minimum requirement of six contact hours prior to the deadline, the board may approve a waiver of the continuing education requirement. There must be a written request submitted to the board by the renewal date set by ARM 8.2.208. Such request for approval for a waiver shall be in writing and shall set forth the reasons why the licensee was unable to earn the minimum number of credit units required prior to the deadline.

AUTH: 37-1-319, 37-14-202, MCA

IMP: 37-1-306, 37-1-319, MCA

REASON: See general statement of reasonable necessity.

BOARD OF RADIOLOGIC TECHNOLOGISTS
JOHN ROSENBAUM, R.T., CHAIRPERSON

/s/ VIVIAN V. HAMMILL

Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY

Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF REAL ESTATE APPRAISERS

NEW RULE XI RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

(2) The renewal date for real estate appraiser licensure is the date set by ARM 8.2.208.

(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-54-105, MCA

IMP: 37-1-141, MCA

REASON: It is reasonable and necessary to adopt this new rule as a means of keeping with the intent of HB 182 and standardizing certain aspects of license renewal including setting uniform standards for license renewals, including renewal periods, and notification periods. Several licensing entities do not have specific rules that address renewals, or have existing rules where it is appropriate to include language that addresses licensee notification regarding upcoming renewal dates, or clarification of new statutory definitions regarding license renewal. Therefore, this new rule is proposed in order to incorporate the three components that have been included within the text of numerous other rules to fulfill the changes brought about by HB 182. It is appropriate to propose the new rule at this time in order to maintain consistency regarding renewal requirements among all entities licensed by the Division. See also general statement of reasonable necessity.

24.207.401 FEES (1) through (1)(g) remain the same.

~~(h) administrative/copying fee~~ 40

~~(i) late renewal fee~~ 150

(j) through (n) remain the same but are renumbered (h) through (l).

(m) Additional standardized fees are specified in [NEW RULE III].

(2) remains the same.

AUTH: 37-1-131, 37-1-134, 37-54-105, MCA

IMP: 37-1-131, 37-1-134, 37-1-141, 37-54-105, 37-54-112, 37-54-201, 37-54-202, ~~37-54-210~~, ~~37-54-211~~, 37-54-212, 37-54-302, 37-54-310, 37-54-403, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) nine requests for licensee lists or rosters will be received for a \$90 increase in revenue;

(2) 36 licensees will request status change for no change in revenue; and

(3) ten licensees will pay the late penalty fee for a \$1,500 increase in revenue.

24.207.517 TRAINEE REQUIREMENTS (1) through (4) remain the same.

(5) A trainee license must be renewed by ~~March 31~~ the date set by ARM 8.2.208 of each expiration year following the trainee's original year of licensure. A trainee license may be renewed a total of four times, but may be extended by the board for cause.

(6) through (11) remain the same.

AUTH: 37-1-131, 37-1-141, 37-54-105, MCA

IMP: 37-1-131, 37-1-141, 37-54-105, 37-54-201, 37-54-202, 37-54-303, 37-54-403, MCA

REASON: See general statement of reasonable necessity.

24.207.2101 CONTINUING EDUCATION (1) through (4) remain the same.

(5) An education reporting form executed under the penalty of perjury of the laws of Montana attesting to the successful completion of the continuing education requirement must be submitted to the board by ~~March 31~~ the date set by ARM 8.2.208 of the licensee's educational reporting cycle.

(6) An incomplete education reporting form will not be accepted and will be returned to the licensee. Any form returned to the licensee must be properly completed and resubmitted before the ~~March 31 deadline~~ date set by ARM 8.2.208.

(7) through (9) remain the same.

AUTH: 37-1-131, 37-1-306, 37-1-319, 37-54-105, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 37-54-105, ~~37-54-210~~, 37-54-303, 37-54-310, MCA

REASON: See general statement of reasonable necessity.

BOARD OF REAL ESTATE APPRAISERS
TIM MOORE, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF REALTY REGULATION

24.210.401 FEE SCHEDULE (1) through (10) remain the same.

~~(11) For each duplicate license, where the original is lost or destroyed~~ 15

(12) through (15) remain the same but are renumbered (11) through (14).

~~(16) Late renewal fee~~ 200

(17) and (18) remain the same but are renumbered (15) and (16).

~~(19) Lists 1-700 names~~ 20

701 and over, per name 0.03

all licensees 125

(20) Labels -- 1-700 names	20
701 and over, per name	0.03
all licensees	125
(21) Copies, per page	0.25
(22) Certified copies, per page	0.50
(23) remains the same but is renumbered (17).	
(24) License history/license verification	15
(25) and (26) remain the same but are renumbered (18) and (19).	
(20) Additional standardized fees are specified in [NEW RULE III].	

AUTH: 37-1-131, 37-1-134, 37-51-203, 37-51-204, MCA

IMP: 37-1-134, 37-1-141, 37-51-202, 37-51-204, 37-51-207, 37-51-303, ~~37-51-310~~, 37-51-311, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) 50 licensees will request duplicate licenses for a \$250 increase in revenue;
- (2) 50 requests for licensee lists or rosters will be received for a \$3,750 decrease in revenue;
- (3) 35 pages of photocopies will be requested for a \$8.75 increase in revenue;
- (4) 50 licensees will request license histories for a \$250 decrease in revenue;
- (5) 15 licensees will request duplicate wall certificates for a \$75 increase in revenue;
- (6) 650 licensees will request status change for no change in revenue; and
- (7) 200 licensees will pay the late penalty fee for no change in revenue.

24.210.635 RENEWALS (1) ~~Beginning with the renewal of December 31, 2001, one-half of the licensees will renew for a period of two years with an expiration date of December 31, 2003. Following this initial renewal period, each~~ Each licensee will renew for a period of two years by December 31 on or before the date set by ARM 8.2.208 of their expiration year.

(2) ~~Renewal forms~~ notices will be mailed to all real estate licensees at their ~~last address of record sent as specified in [NEW RULE V].~~ Active salesperson licensee renewals will be sent to the broker of record. Inactive licensee renewals will be sent to their home address. ~~Failure to receive a renewal form does not eliminate the renewal requirement.~~ Each licensee is required to renew.

(3) remains the same.

(4) Incomplete renewal forms will not be accepted and will be returned to the licensee. Any form returned to the licensee must be properly completed and resubmitted before the ~~December 31 deadline~~ date as set by ARM 8.2.208, or the ~~late renewal penalty fees as specified in [NEW RULE III]~~ will be required.

(5) The provisions of [NEW RULE VI] apply.

AUTH: 37-51-203, MCA

IMP: 37-1-141, 37-51-310, MCA

REASON: See general statement of reasonable necessity.

24.210.661 NEW LICENSEE MANDATORY CONTINUING EDUCATION -- SALESPERSONS (1) remains the same.

(2) New sales licensees will receive an interim license that will ~~expire December 31~~ end on the date set by ARM 8.2.208 of the year of the initial license date.

(3) through (5) remain the same.

(6) All licensees are required to submit the renewal form and renewal fee by ~~December 31~~ the date set by ARM 8.2.208 of their license renewal year.

AUTH: 37-1-306, 37-1-319, 37-51-203, MCA

IMP: 37-1-306, 37-1-319, MCA

REASON: See general statement of reasonable necessity.

24.210.667 CONTINUING REAL ESTATE EDUCATION (1) through (11) remain the same.

(12) An education reporting form attesting to the successful completion of the continuing education requirement must be submitted to the board by ~~December 31~~ the date set by ARM 8.2.208 of each year. Filing of an education reporting form after ~~December 31~~ the renewal date set by ARM 8.2.208, but on or before ~~February 15~~ 45 days following the renewal date will result in a late filing penalty fee. No affidavit will be accepted after ~~February 15~~ 45 days following the renewal date set by ARM 8.2.208.

(13) An incomplete education reporting form will not be accepted and will be returned to the licensee. Any form returned to the licensee must be properly completed and resubmitted before the ~~December 31~~ date set by ARM 8.2.208, or late filing penalty fees as specified in [NEW RULE III] will be required.

(14) through (17) remain the same.

AUTH: 37-1-131, 37-1-306, 37-51-203, 37-51-204, MCA

IMP: 37-1-306, 37-1-319, 37-51-202, 37-51-203, 37-51-204, MCA

REASON: See general statement of reasonable necessity.

24.210.801 FEE SCHEDULE (1) through (6) remain the same.

~~(7) For each duplicate license where the original was lost or destroyed~~ 15

~~(8) For each duplicate pocket card where the original was lost or destroyed~~ 15

(9) through (12) remain the same but are renumbered (7) through (10).

~~(13) Late renewal fee~~ 200

(14) and (15) remain the same but are renumbered (11) and (12).

~~(16) List of licensees~~ 20

(17) remains the same but is renumbered (13).

~~(18) License history/license verification~~

15

(14) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-51-202, 37-51-203, MCA

IMP: 37-1-134, 37-1-141, 37-51-207, MCA

REASON: See general statement of reasonable necessity. Fiscal impact statement follows ARM 24.210.401.

24.210.825 PROPERTY MANAGEMENT LICENSE RENEWALS AND LATE RENEWALS (1) ~~Renewal forms notices will be mailed to all licensed property managers at their last address of record. Failure to receive a renewal form does not eliminate the renewal requirement sent as specified in [NEW RULE V].~~ Each licensee is required to renew.

(2) remains the same.

(a) payment of the current renewal fee as prescribed by the board within 45 days of the renewal date by February 15;

(b) payment of the late penalty fee as ~~prescribed by the board~~ specified by [NEW RULE III]; and

(c) remains the same.

~~(3) Any licensee not renewed by February 15 is automatically canceled and may not be reinstated.~~

(4) remains the same but is renumbered (3).

~~(5) (4)~~ Incomplete renewal forms will not be accepted and will be returned to the licensee. Any form returned to the licensee must be properly completed and resubmitted before the renewal ~~deadline~~ date set forth in ARM 8.2.208, or the late renewal penalty fees will be required.

(5) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-131, 37-1-141, 37-51-202, 37-51-203, MCA

IMP: 37-1-101, 37-1-141, 37-51-604, MCA

REASON: See general statement of reasonable necessity.

24.210.835 CONTINUING PROPERTY MANAGEMENT EDUCATION

(1) through (6) remain the same.

(7) An education reporting form attesting to the successful completion of the continuing education requirement must be submitted to the board by ~~December 31~~ the date set by ARM 8.2.208 of each year. Filing of an education reporting form after the renewal date set by ARM 8.2.208 ~~December 31~~, but on or before February 15 of the next year 45 days following the renewal date, will result in a late filing penalty fee.

AUTH: 37-1-131, 37-1-319, 37-51-202, 37-51-203, MCA

IMP: 37-1-306, 37-1-141, 37-1-319, MCA

REASON: See general statement of reasonable necessity.

24.210.836 CONTINUING PROPERTY MANAGEMENT EDUCATION REPORTING REQUIREMENTS (1) An education reporting form attesting to the successful completion of the continuing education requirement must be submitted to the board by ~~December 31~~ the date set by ARM 8.2.208 of each year. Filing of an education reporting form after ~~December 31~~ the renewal date set by ARM 8.2.208, but on or before ~~February 15~~ 45 days following the renewal date, will result in a late filing penalty fee. No education reporting form will be accepted after ~~February 15~~ 45 days following the renewal date set by ARM 8.2.208.

(2) An incomplete education reporting form of education will not be accepted and will be returned to the licensee. Any form returned to the licensee must be properly completed and resubmitted before the ~~December 31~~ deadline as set by ARM 8.2.208, or the late filing penalty fees as specified in [NEW RULE III] will be required.

(3) through (5) remain the same.

AUTH: 37-1-131, 37-1-319, 37-51-203, MCA

IMP: 37-1-101, 37-1-131, 37-1-306, 37-1-319, MCA

REASON: See general statement of reasonable necessity.

24.210.1020 TIMESHARE LICENSE RENEWALS REQUIREMENTS

~~(1) (2)~~ Licenses and certificates of completion for timeshare brokers and salespersons shall be renewed annually in the month of December, postmarked no later than December 31 of the year preceding that for which the renewal is requested, by the date set by ARM 8.2.208. ~~Include~~ include payment of the required fee, and, except as contained in ARM 24.210.1003 renewal shall include a typewritten, or printed, and sworn update to the personal disclosure statement.

~~(2) (1)~~ The license held by a licensee who fails to submit a complete renewal request prior to the date set forth above shall lapse on January 1 of the new license year. ~~The lapsed license may be reinstated by payment of the renewal fee and the late renewal fee at any time within 45 days from the renewal deadline. The late renewal fee shall be \$50.~~ Renewal notices will be sent as specified in [NEW RULE VI].

(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-131, 37-53-104, MCA

IMP: 37-1-131, 37-1-141, 37-53-104, MCA

REASON: See general statement of reasonable necessity.

BOARD OF REALTY REGULATION
TERRY HILGENDORF, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF RESPIRATORY CARE PRACTITIONERS

24.213.401 FEE SCHEDULE (1) through (1)(d) remain the same.

(e) ~~Late renewal fee~~ 40

(f) (e) Inactive license fee 30

(f) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-28-104, MCA

IMP: 37-1-134, 37-1-141, 37-28-104, 37-28-202, ~~37-28-203~~, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) 12 licensees will request license verifications for a \$240 increase in revenue;
- (2) 12 licensees will request duplicate licenses for a \$60 increase in revenue;
- (3) four requests for licensee lists or rosters will be received for a \$120 increase in revenue;
- (4) two licensees will request duplicate wall certificates for a \$40 increase in revenue;
- (5) five licensees will request status change for a \$350 increase in revenue;
- and
- (6) five licensees will pay the late penalty fee for a \$300 increase in revenue.

24.213.403 ABATEMENT OF RENEWAL FEES (1) through (2)(b) remain the same.

(c) The fact that a renewal fee is abated for any given renewal cycle does not excuse the licensee or registrant from otherwise fulfilling renewal requirements, including submission of a renewal application and any continuing education documentation. The ~~board~~ department, to the extent it provides by rule, may impose a late penalty fee on untimely submissions of renewal applications or other required documentation.

(3) and (4) remain the same.

AUTH: 37-1-101, 37-1-131, 37-1-134, MCA

IMP: 17-2-302, 17-2-303, 37-1-101, 37-1-131, 37-1-134, 37-1-141, MCA

REASON: See general statement of reasonable necessity.

24.213.412 PROCEDURES FOR RENEWALS (1) ~~The board shall mail the renewal Renewal notices will be sent as specified in [NEW RULE VI], approximately six to eight weeks in advance of the renewal date to the licensee's address on file with the board. Failure to receive the renewal notice does not relieve the licensee from the obligation to renew in a timely manner.~~

(2) Licenses expire must be renewed every even numbered year on or before the renewal date set forth in by ARM 8.2.208.

(3) ~~Licensees may renew their licenses for a period of three years from the expiration date of the license by submitting a renewal form, one renewal fee and one late fee and documentation of the continuing education that would have been required had the license been renewed in a timely manner. A license that is not renewed within three years of the most recent renewal date automatically terminates. The terminated license may not be reinstated, and a new original license must be obtained by passing the certifying examination and paying the appropriate fees.~~

(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-28-104, MCA

IMP: 37-1-141, ~~37-28-203~~, MCA

REASON: See general statement of reasonable necessity.

24.213.2121 WAIVER OF CONTINUING EDUCATION REQUIREMENT

(1) In the event of hardship such as a disabling illness or other personal emergency which substantially interferes with a licensee's ability to meet the minimum requirement of 12 credit units prior to the deadline, the board may approve a waiver of the continuing education requirement. There must be a written request submitted to the board by the renewal date set by ARM 8.2.208. Such request for approval for a waiver shall be in writing and shall set forth the reasons why the licensee was unable to earn the minimum number of credit units required prior to the deadline.

AUTH: 37-28-104, MCA

IMP: 37-28-104, ~~37-28-203~~, MCA

REASON: See general statement of reasonable necessity.

BOARD OF RESPIRATORY CARE
PRACTITIONERS
EILEEN CANEY, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF SANITARIANS

24.216.402 FEE SCHEDULE (1) through (4) remain the same.
(5) ~~Late renewal (in addition to renewal fee)~~ 50
(6) remains the same but is renumbered (5).
(6) Additional standardized fees are specified in [NEW RULE III].
(7) remains the same.

AUTH: 37-1-134, 37-40-203, MCA
IMP: 37-1-134, 37-1-141, 37-40-302, ~~37-40-304~~, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) 11 licensees will pay the late penalty fee for no change in revenue.

24.216.2101 RENEWALS (1) ~~Renewal application forms notices~~ will be sent as specified in [NEW RULE V]. ~~to the licensee's address on file in the board office approximately six to eight weeks prior to the renewal deadline. Failure to receive a renewal application form in no way releases the licensee from the obligation to renew prior to the end of the licensing year.~~

(2) Licenses must be renewed on or before the date set by ARM 8.2.208.

(3) The provisions of [NEW RULE VI] apply.

~~(2) Licensees shall have 90 days after the expiration date of their licenses to submit a renewal application with the accompanying renewal and late fees and proper documentation of continuing education requirements.~~

~~(3) Ninety days after the expiration date, the license lapses. To reinstate a lapsed license, an applicant must submit a new application and retake and successfully pass the licensing examination.~~

AUTH: 37-1-141, 37-40-203, ~~37-40-304~~, MCA
IMP: 37-1-141, ~~37-40-304~~, MCA

REASON: See general statement of reasonable necessity.

BOARD OF SANITARIANS
TED KYLANDER, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF SOCIAL WORK EXAMINERS AND PROFESSIONAL COUNSELORS

NEW RULE XII RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

(2) Social worker licenses must be renewed on or before the date set by ARM 8.2.208.

(3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-22-201, MCA

IMP: 37-1-141, MCA

REASON: It is reasonable and necessary to adopt this new rule as a means of keeping with the intent of HB 182 and standardizing certain aspects of license renewal including setting uniform standards for license renewals, including renewal periods, and notification periods. Several licensing entities do not have specific rules that address renewals, or have existing rules where it is appropriate to include language that addresses licensee notification regarding upcoming renewal dates, or clarification of new statutory definitions regarding license renewal. Therefore, this new rule is proposed in order to incorporate the three components that have been included within the text of numerous other rules to fulfill the changes brought about by HB 182. It is appropriate to propose the new rule at this time in order to maintain consistency regarding renewal requirements among all entities licensed by the Division. See also general statement of reasonable necessity.

24.219.401 FEE SCHEDULE FOR SOCIAL WORKERS (1) through (4) remain the same.

(5) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-22-201, 37-22-302, ~~37-22-304~~, MCA

IMP: 37-1-134, 37-1-141, 37-22-301, 37-22-302, ~~37-22-303~~, ~~37-22-304~~, MCA

REASON: See general statement of reasonable necessity.

24.219.405 FEE SCHEDULE FOR PROFESSIONAL COUNSELORS (1) through (4) remain the same.

(5) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, ~~37-23-103~~, MCA

IMP: 37-1-134, 37-1-141, 37-23-206, MCA

REASON: See general statement of reasonable necessity.

Based on fiscal year 2005 for the Board of Social Work Examiners and Professional Counselors, it is estimated that the creation of standardized fees will have the following impact:

(1) 25 licensees will request license verifications for a \$500 increase in revenue;

(2) ten licensees will request duplicate licenses for a \$50 increase in revenue;

- (3) 25 requests for licensee lists or rosters will be received for a \$690 increase in revenue;
- (4) five licensees will request duplicate wall certificates for a \$100 increase in revenue;
- (5) ten licensees will request status change for a \$1,000 increase in revenue;
- (6) one licensee will request suspended license renewal for a \$50 increase in revenue; and
- (7) 25 licensees will pay the late penalty fee for a \$2,500 increase in revenue.

24.219.615 ANNUAL LICENSE RENEWALS ~~(1)~~ (2) Professional counselor licenses ~~expire must be renewed on or before December 31 the date set by ARM 8.2.208 of each year. Current licenses expire December 31, 1987.~~ Fees for initial licenses issued other than the uniform renewal date will be prorated.

- (1) Renewal notices will be sent as specified in [NEW RULE V].
- (3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-134, 37-1-141, ~~37-23-103, 37-23-205~~, MCA
IMP: 37-1-141, ~~37-23-205~~, MCA

REASON: See general statement of reasonable necessity.

BOARD OF SOCIAL WORK EXAMINERS AND
PROFESSIONAL COUNSELORS
SHERRY MEADOR, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

NEW RULE XIII RENEWALS (1) Renewal notices will be sent as specified in [NEW RULE V].

- (2) Speech pathologist and audiologist licenses must be renewed on or before the date set by ARM 8.2.208.
- (3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-15-202, MCA
IMP: 37-1-141, MCA

REASON: It is reasonable and necessary to adopt this new rule as a means of keeping with the intent of HB 182 and standardizing certain aspects of license renewal including setting uniform standards for license renewals, including renewal periods, and notification periods. Several licensing entities do not have specific rules that address renewals, or have existing rules where it is appropriate to include language that addresses licensee notification regarding upcoming renewal dates, or

clarification of new statutory definitions regarding license renewal. Therefore, this new rule is proposed in order to incorporate the three components that have been included within the text of numerous other rules to fulfill the changes brought about by HB 182. It is appropriate to propose the new rule at this time in order to maintain consistency regarding renewal requirements among all entities licensed by the Division. See also general statement of reasonable necessity.

24.222.401 FEES (1) through (2)(c) remain the same.

~~(i) Late renewal fees are an additional 10% due each month that the payment of the renewal fee is delayed after the February 1 expiration date. The maximum fee for delayed renewal may not exceed twice the normal renewal fee.~~

(d) through (f) remain the same.

~~(g) Replacement or duplication of a license~~

40

(3) Additional standardized fees are specified in [NEW RULE III].

(3) remains the same but is renumbered (4).

AUTH: 37-1-134, 37-15-202, MCA

IMP: 37-1-134, 37-1-141, 37-15-307, ~~37-15-308~~, 37-15-313, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) four licensees will request license verifications for a \$80 increase in revenue;

(2) five licensees will request duplicate licenses for a \$25 increase in revenue;

(3) six requests for licensee lists or rosters will be received for a \$180 increase in revenue;

(4) one licensee will request a duplicate wall certificate for a \$20 increase in revenue;

(5) five licensees will request status change for a \$250 increase in revenue; and

(6) five licensees will pay the late penalty fee for a \$500 increase in revenue.

24.222.2102 CONTINUING EDUCATION REQUIREMENTS (1) Each licensee shall affirm completion of the required continuing education hours before ~~February 1~~ the date set by ARM 8.2.208 of each odd-numbered year, on the renewal form. The board will randomly audit 10% of the renewed licensee's continuing education hours submitted each odd-numbered year. Certificates of completion for continuing education credits reported must be submitted upon request of the board.

(2) through (7) remain the same.

AUTH: 37-1-319, 37-15-202, MCA

IMP: 37-1-131, 37-1-306, 37-15-102, 37-15-309, MCA

REASON: See general statement of reasonable necessity.

BOARD OF SPEECH-LANGUAGE
PATHOLOGISTS AND AUDIOLOGISTS
MARILYN THADDEN, S.L.P., CHAIRPERSON

/s/ VIVIAN V. HAMMILL

Vivian V. Hammill

Rule Reviewer

/s/ KEITH KELLY

Keith Kelly, Commissioner

DEPARTMENT OF LABOR AND INDUSTRY

BOARD OF VETERINARY MEDICINE

24.225.401 FEE SCHEDULE (1) through (2)(b) remain the same.

~~(c) Late renewal fee~~ 50

(3) through (3)(b) remain the same.

~~(c) Technician late renewal~~ 50

(d) and (e) remain the same but are renumbered (c) and (d).

~~(f) Agency late renewal~~ 50

(g) remains the same but is renumbered (e).

(4) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-18-202, 37-18-603, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-18-302, ~~37-18-307~~, 37-18-603, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) 40 licensees will request license verifications for an \$800 increase in revenue;

(2) five licensees will request duplicate licenses for a \$25 increase in revenue;

(3) one request for licensee lists or rosters will be received for a \$30 increase in revenue;

(4) 61 veterinarian licensees will pay the late penalty fee for a \$915 increase in revenue;

(5) two euthanasia technician licensees will pay the late penalty fee for a \$140 increase in revenue;

(6) one embryo transfer technician licensee will pay the late penalty fee for a \$65 increase in revenue; and

(7) one euthanasia agency licensee will pay the late penalty fee for a \$125 increase in revenue.

24.225.510 ANNUAL RENEWALS OF CERTIFICATE OF REGISTRATION

~~(1) Notice for annual renewal of certificate of registration shall be mailed annually to each licensed veterinarian at his/her last known address at least 30 days prior to the November 1st deadline. Notices will be considered properly mailed when addressed to the last known address on file in the board office~~ Renewal notices will be sent as specified in [NEW RULE V].

- (2) The proper annual renewal of certificate of registration fee and completed renewal form are due by ~~November 1st~~ the date set by ARM 8.2.208 of each year.
- (3) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 37-18-202, MCA
IMP: 37-1-141, ~~37-18-307~~, MCA

REASON: See general statement of reasonable necessity.

24.225.511 CONTINUING EDUCATION (1) Each veterinarian licensed shall be required to obtain every two years a minimum of 20 credit hours of continuing education approved by the board. The credit hours must be obtained within the 24 months prior to renewal on ~~November 1~~ the date set by ARM 8.2.208 of the even-numbered years. Licensees licensed less than two full calendar years but more than one full calendar year on their first continuing education reporting date shall be required to submit ten hours of continuing education.

(a) remains the same.

(b) A veterinarian may be granted a grace period of three months after the ~~November 1st~~ deadline set by ARM 8.2.208 in which to fulfill the continuing education requirements. This grace period shall be granted only upon written request to the board, payment of the ~~restoration~~ late penalty fee and upon board approval. A license to practice veterinary medicine valid for the duration of the grace period will be issued to those persons granted grace by the board.

(c) through (6) remain the same.

AUTH: 37-1-131, 37-1-319, 37-18-202, MCA
IMP: 37-1-141, 37-1-306, MCA

REASON: See general statement of reasonable necessity. In order to be consistent, the rule is further amended to delete language that was previously used in statute and replace with new terminology that is being used throughout the Division's rules when referencing the late penalty fee.

24.225.515 FORFEITURE OF LICENSE AND RESTORATION found at ARM page 24-26583 is proposed to be repealed.

AUTH: 37-18-202, MCA
IMP: 37-18-307, MCA

REASON: This rule is proposed to be repealed because the implementing statute, 37-18-307, MCA, which allowed for license forfeiture and one year restoration was repealed by HB 182 and the rule now conflicts with 37-1-141, MCA as enacted by HB 182.

24.225.550 UNPROFESSIONAL CONDUCT (1) For the purposes of implementing the provisions of 37-1-319, MCA, the board defines "unprofessional conduct" as follows:

- (1) through (9) remain the same but are renumbered (a) through (i).
~~(10) (i) Practicing veterinary medicine while after the practitioner's license is not currently renewed has expired.~~
(11) through (13) remain the same but are renumbered (k) through (m).

AUTH: 37-1-131, 37-1-319, 37-18-202, MCA

IMP: 37-1-131, 37-1-141, 37-1-316, 37-1-319, 37-18-311, MCA

REASON: See general statement of reasonable necessity.

24.225.709 ANNUAL RENEWALS AND CONTINUING EDUCATION (1) A person certified as an embryo transfer technician under these rules must renew his the certificate annually before November 1 the date set by ARM 8.2.208.

(2) through (4) remain the same.

(5) A certificate holder may be granted a grace period of three months after the November 1 renewal deadline date set by ARM 8.2.208 in which to fulfill continuing education requirements. This grace period will be granted only upon written request to the board, payment of the renewal fee, and board approval. A certificate valid for the duration of the grace period will be issued only to a person granted grace by the board.

~~(6) Failure of a person to renew his or her certificate, apply for a grace period or to obtain hardship relief within 90 days of the November 1 deadline constitutes a forfeiture of the certificate. A defaulting certificate holder under this provision must apply and qualify for a new certificate, including passing the applicable examinations if he or she wishes to renew his or her certificate and practice.~~

(7) through (10) remain the same but are renumbered (6) through (9).

AUTH: 37-1-319, 37-18-202, MCA

IMP: 37-1-138, 37-1-141, 37-1-306, 37-18-104, MCA

REASON: See general statement of reasonable necessity.

24.225.750 UNPROFESSIONAL CONDUCT (1) through (2)(h) remain the same.

(i) performing embryo transfer while the embryo transfer technician's certificate is not currently renewed has expired.

(j) and (k) remain the same.

AUTH: 37-1-319, 37-18-202, MCA

IMP: 37-1-141, 37-1-316, 37-18-104, MCA

REASON: See general statement of reasonable necessity.

24.225.925 ANNUAL RENEWALS OF CERTIFICATE FOR TECHNICIANS AND CERTIFIED AGENCIES (1) CETs must re-certify on a form or by a method approved by the board on or before May 30 the date set by ARM 8.2.208 of every year, beginning in 2005. The certification renewal application must include:

(a) through (c) remain the same.

(2) CEAs must renew certification on a form or by a method approved by the board on or before May 30 the date set by ARM 8.2.208 of every year, beginning in 2005. The renewal application must include:

(a) through (d) remain the same.

(3) ~~A renewal~~ Renewal notices will be sent by the board to each certificate holder at the ~~current certified agency address in the board's files at least 30 days prior to the renewal deadline. Failure to receive such notice must not relieve the certificate holder of the certificate holder's obligation to pay certification renewal fees in such a manner that they are received by the department on or before the certification renewal date as specified in [NEW RULE V].~~

(4) A CET's or CEA's renewal certificate shall be valid for one year following the ~~expiration~~ renewal date of the previously held certificate.

(5) The fee for any certificate holder who fails to re-certify or submit the proper fee prior to the ~~expiration~~ renewal date ~~must be increased by an amount determined by the board and specified in the fee schedule~~ pay the late penalty fee specified in [NEW RULE III]. Certification renewal forms may not be processed until all required documentation is received in the board office and all fees are paid.

~~(6) The board will randomly audit 10 renewals for CEAs and 10 renewals for CETs each year.~~

~~(7) Any certificate holder failing to renew a certificate within 90 days of the expiration date will be considered to have forfeited the certificate. If 90 days have passed, the CET or CEA must reapply to the board for an initial certificate to function as a CET or CEA and pay the required fee.~~

(6) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-131, 37-18-202, 37-18-603, MCA

IMP: 37-1-141, 37-18-603, MCA

REASON: See general statement of reasonable necessity. It is also reasonable and necessary to remove (6) because this section conflicts with 37-1-131(7)(d), MCA, as amended by HB 182. Currently, there are only nine certified euthanasia technicians and six certified euthanasia agencies licensed. The rule implies that all certified euthanasia agencies renewing and all certified euthanasia technicians renewing could be audited as one of the ten licensees randomly selected as stated in (6).

BOARD OF VETERINARY MEDICINE
JACK NEWMAN, D.V.M., PRESIDENT

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

BOILER OPERATING ENGINEERS PROGRAM

24.122.401 FEE SCHEDULE FOR BOILER OPERATING ENGINEERS

(1) and (2) remain the same.

~~(3) Replacement of lost license~~

15

(3) Additional standardized fees are specified in [NEW RULE III].

(4) and (5) remain the same.

AUTH: 37-1-134, 50-74-101, MCA

IMP: 37-1-134, 37-1-141, ~~50-74-309, 50-74-313~~, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) three duplicate licenses will be issued for a \$30 decrease in revenue;

(2) five first class boiler engineer licensees will pay the late penalty fee for a \$50 decrease in revenue;

(3) five second class boiler engineer licensees will pay the late penalty fee for a \$50 decrease in revenue;

(4) six third class boiler engineer licensees will pay the late penalty fee for a \$60 increase in revenue;

(5) 20 low pressure boiler engineer licensees will pay the late penalty fee for a \$600 increase in revenue; and

(6) one traction boiler engineer licensee will pay the late penalty fee for a \$40 increase in revenue.

24.122.515 RENEWALS OF LICENSE ~~(1) (2) The Renewal~~ renewal of licenses ~~is on an annual basis date is set by ARM 8.2.208.~~ Licensees shall submit the appropriate fee established in ARM 24.122.401 when applying to renew a license.

~~(2) (1) Renewal notices will be mailed sent as specified in [NEW RULE VI] by the department prior to the expiration of the boiler operating engineer's license to the licensee's address on file. It is the responsibility of the licensee to keep a current address on file with the department. Lack of receipt of such renewal notice by the licensee does not relieve the licensee of the responsibility to renew the license.~~

~~(3) The consequences for failure to renew a boiler operating engineer's license are established in 50-74-313, MCA. The provisions of [NEW RULE VI] apply.~~

(4) remains the same.

AUTH: 37-1-141, 50-74-101, MCA

IMP: 37-1-141, ~~50-74-313~~, MCA

REASON: HB 182 repealed 50-74-313, MCA, therefore the reference to this statute is being deleted and the reference to NEW RULE VI is being added. This change substitutes the reference to when a new license is required which is one of the

consequences listed in 50-74-313, MCA. See general statement of reasonable necessity for more detail.

CONSTRUCTION BLASTERS PROGRAM

24.131.405 TRAINING PROGRAMS (1) Training programs in construction blasting must be recognized by the explosives and construction industry and approved by the bureau. The training program must offer comprehensive instruction in safe use of explosives, methods and purposes of their use, and safety procedures for storage. These training programs shall be at least 24 hours to obtain a Class 1, Class 2, or Class 3 license, and eight hours to obtain a Class 4 license, or be approved by the bureau based on content and quality of the course.

~~(2) The following construction blasting training courses are approved by the bureau:~~

- ~~(a) northwest laborers employers training program;~~
- ~~(b) AGC training program for state of Montana;~~
- ~~(c) kinopak blasting seminar;~~
- ~~(d) dupont blasting seminar;~~
- ~~(e) society of explosive engineers;~~
- ~~(f) Karl Burgher explosive classes;~~
- ~~(g) United States forest service explosive training classes;~~
- ~~(h) BS consulting explosive training classes (William and Amanda Hale,~~

~~trainers).~~

(2) The Construction Blasters Program maintains a list of approved training courses which can be obtained by contacting the Construction Blasters Program at 301 South Park, P.O. Box 200513, Helena, MT 59620-0513, or e-mail dlibsdbla@mt.gov.

(3) remains the same.

AUTH: 37-72-202, MCA

IMP: 37-72-302, MCA

REASON: It is reasonable and necessary to amend ARM 24.131.405 to remove the approved training courses from rule. This is a working list, can have constant changes, and is administrative in nature. The rule would need to be modified each time a course is approved or removed from the list. Construction blasters are better served by not having the approved courses in an administrative rule. Once a course has been approved, the blaster is able to take the course without having to wait for the list to be amended through the rulemaking process. This is advantageous to the blaster and the public by making the blasters more familiar with new training material in a more timely manner.

24.131.501 CONSTRUCTION BLASTER LICENSE REQUIREMENTS

(1) remains the same.

~~(2) The following construction blasters' licenses are issued under 37-72-303,~~
MCA:

(a) through (d) remain the same.

~~(3) The following fees must be paid to the bureau and are nonrefundable:~~

(a) application fee	\$35
(b) examination fee	25
(c) license fee	40
(d) annual renewal fee	40
(e) reexamination fee	35
(f) duplicate license fee	15

~~(4) (3)~~ The bureau shall issue a construction blaster's license to each applicant who:

(a) submits a completed application form supplied by the bureau; with applicable fees:

(b) through (d) remain the same.

(e) achieves a grade of 80% or higher on an examination administered by the bureau based upon the adopted standards and regulations regarding the use of explosives. ~~A copy of such standards and regulations shall be available at a reasonable fee from the bureau.~~

~~(5) (4)~~ Construction blasters' licenses are not transferable, ~~expire at the end of each year and must be renewed by request of the applicant and the fee paid on or 60 days before January 1 of each year on or before the date set by ARM 8.2.208.~~ The provisions of [NEW RULES V and VI] apply.

~~(6) (5)~~ A license, certificate, or permit issued by another state or an agency of the United States will be recognized and an appropriate construction blaster's license issued if the bureau determines that the requirements are equivalent to those in 37-72-302 and ~~37-72-303~~, MCA.

AUTH: 37-1-141, 37-72-201, 37-72-202, MCA

IMP: 37-1-131, 37-1-141, 37-72-301, 37-72-302, ~~37-72-303~~, 37-72-304, 37-72-305, ~~37-72-306~~, MCA

REASON: The MCA reference in (2) is being deleted because 37-72-303, MCA, was repealed by HB 182. Section (3) is being amended to remove the fee schedule from the license requirements and a new rule dealing exclusively with fees is being proposed. The fee schedule is not a license requirement, and removing it from this rule will make the fee schedule easier to locate. The fee amounts are not changed with this amendment. A reference to standardized fees charged by the department has been added to implement changes made by HB 182.

NEW RULE XIV FEES (1) The following fees must be paid to the bureau and are nonrefundable:

(a) application fee	\$35
(b) examination fee	25
(c) license fee	40
(d) annual renewal fee	40
(e) reexamination fee	35

(2) Additional standardized fees are specified in [NEW RULE III].

AUTH: 37-1-134, 37-72-202, MCA

IMP: 37-1-134, 37-1-141, MCA

REASON: It is reasonable and necessary to propose this new rule to make the fees applicable to construction blasters easier to locate. It was previously located in the license requirements rule. By moving the fees to a rule exclusive to fees, it aids both construction blasters and program staff. Also having an individual rule complies with the rule-writing concept that a rule should contain only a single idea. The creation of the new rule is being done at this time since other changes to the rule were necessitated by the passage of HB 182.

Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) 15 licensees will pay the late penalty fee for a \$172 increase in revenue.

CRANE AND HOISTING OPERATING ENGINEERS PROGRAM

24.135.402 FEE SCHEDULE (1) Initial application, including examination:

(a) First Class	\$100
(b) Second Class	100
(c) Third Class	60
(d) NCCO reciprocity	80
(2) Annual renewal of license (1st & 2nd <u>First and Second</u> Class)	80
(3) Annual renewal of license (3rd <u>Third</u> Class)	50
(4) Late renewal fee for each missed renewal cycle:	
(a) First Class	80
(b) Second Class	80
(c) Third Class	50
(5) Duplicate/Lost License	15

(4) Additional standardized fees are specified in [NEW RULE III].

~~(6)~~ (5) An applicant who fails the examination shall pay 50% of the licensure fee in order to retake the examination.

~~(7)~~ (6) All fees are nonrefundable.

AUTH: 37-1-134, 50-76-112, MCA

IMP: 50-76-104, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) one duplicate license will be issued for a \$10 decrease in revenue;
- (2) 15 First Class licensees will pay the late penalty fee for a \$1,200 increase in revenue;
- (3) five Second Class licensees will pay the late penalty fee for a \$400 increase in revenue; and
- (4) two Third Class licensees will pay the late penalty fee for a \$100 increase in revenue.

24.135.2101 RENEWALS (1) The license must be renewed in accordance with ARM 8.2.208 within 12 months of obtaining the previous license.

~~(a) A license not renewed within 12 months will be lapsed for a period of 45 days. A licensee may legally work on a lapsed license for a period of 45 days. A lapsed license may be renewed within the 45 days by submitting the renewal form and applicable late fees.~~

~~(b) A lapsed license not renewed within 45 days will expire. A licensee is not considered to be working legally if the licensee's license has expired. An expired license may be renewed within two years by submitting the renewal form and applicable late fee.~~

~~(c) A license automatically terminates if it has not been renewed within two years. The terminated license may not be reinstated, and a new original license must be obtained by:~~

- ~~(i) submitting a new application;~~
- ~~(ii) meeting the current requirements;~~
- ~~(iii) passing the examination; and~~
- ~~(iv) paying the appropriate fees.~~

(2) Renewal notices will be sent as specified in [NEW RULE V].

(3) The provisions of [NEW RULE VI] apply.

~~(2) (4)~~ A biennial physical examination shall be required after the license is granted. The biennial physical examination report, or proof of passing an applicable physical examination, shall be presented to the department every second renewal date after the original licensure date, and may not be dated more than 180 days prior to the renewal date of the license.

AUTH: 50-76-112, MCA

IMP: 37-1-141, 50-76-103, MCA

REASON: See general statement of reasonable necessity.

FIRE PREVENTION AND FIREWORKS WHOLESALERS PROGRAM

24.144.404 DUPLICATE LICENSE OR ENDORSEMENT (1) The department may upon request replace any previously issued license or endorsement that has been lost or destroyed. The request must include a written statement from the holder attesting to the loss or destruction of the license or endorsement. The request must also be accompanied by ~~a fee of \$15~~ the fee as set in [NEW RULE III].

AUTH: 50-3-102, MCA

IMP: 37-1-134, 50-3-102, MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees for the issuance of a duplicate license or endorsement will have no impact on the amount of revenue generated. In fiscal year 2005, no duplicate license requests were received.

24.144.502 EXAMINATION FOR ENDORSEMENT (1) remains the same.

(2) The department shall issue an endorsement for pre-engineered fire alarm systems, or special fire agent suppression systems to an individual who submits proof of manufacturer training on the specific brand and model of such pre-engineered system for which the applicant seeks endorsement. An endorsement granted under this rule shall be valid only for the brand and model number specified on the endorsement. Those extinguisher system endorsements issued under this rule prior to February, 1998, will remain valid until or unless the endorsement ~~lapses~~ is not renewed by the renewal date or is revoked.

AUTH: 50-3-102, 50-39-107, MCA

IMP: 37-1-131, 50-39-101, MCA

REASON: It is reasonable and necessary to amend this rule to clarify the terminology. When the word "lapses" was inserted into the rule, the "three tier" licensing concept of lapse, expire, and terminate was not being used. Therefore, it is necessary to explain at what point the endorsement no longer remains valid.

24.144.2102 RENEWALS OF LICENSE OR ENDORSEMENT (1) Each entity or person who receives a license or endorsement from the department in accordance with these rules shall submit an application for renewal ~~annually~~.

(2) remains the same.

(3) All fire protection equipment licenses and endorsements ~~shall expire on May 31 of each year~~ must be renewed on or before the date set by ARM 8.2.208. A renewal notice will be sent as specified in [NEW RULE V] ~~by the department to each license and endorsement holder to the last address in the department's files no later than April 15 of each year. Failure to receive such notice shall not relieve the license or endorsement holder of the obligation to pay renewal fees and file an application for renewal in such a manner that it is postmarked or hand-delivered to the department on or before May 31.~~

(4) and (5) remain the same.

(6) The provisions of [NEW RULE VI] apply.

AUTH: 37-1-141, 50-39-107, MCA

IMP: 37-1-141, 50-39-102, MCA

REASON: See general statement of reasonable necessity.

LICENSED ADDICTION COUNSELORS PROGRAM

8.11.101 FEES (1) through (1)(b) remain the same.

~~(c) Late renewal~~

185

(d) remains the same but is renumbered (c).

~~(e) Document or license replacement~~

30

(2) Additional standardized fees are specified in [NEW RULE III].

(2) remains the same but is renumbered (3).

AUTH: 37-1-131, 37-1-134, 37-35-103, MCA

IMP: 37-1-131, 37-1-134, 37-1-141, 37-35-103, 37-35-202, ~~37-35-203~~,
MCA

REASON: See general statement of reasonable necessity. Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

- (1) five licensees will request license verification for a \$100 increase in revenue;
- (2) five licensees will request duplicate licenses for a \$25 increase in revenue;
- (3) ten requests for licensee lists or rosters will be received for a \$200 increase in revenue; and
- (4) six licensees will pay the late penalty fee for no change in revenue.

8.11.114 COUNSELORS CERTIFIED IN OTHER STATES (1) through (1)(b) remain the same.

(c) holds a current, ~~unexpired~~ state certificate, in good standing, from another state; and

(d) through (4) remain the same.

(a) holds a current, ~~unexpired~~ certificate, in good standing, from a nationally recognized addiction organization;

(b) through (6) remain the same.

AUTH: 37-35-103, MCA

IMP: 37-1-131, 37-35-103, ~~37-35-203~~, MCA

REASON: This rule is to be amended to remove a connotation of the word "expire" which was defined in HB 182 amendments. By removing this word from the rule, it eliminates the potential for misinterpretation. It is implied that if a certificate is current, it is unexpired. It does not appear that the context of the rule is changed by the deletion.

8.11.115 RENEWALS (1) ~~Approximately two months before the renewal date, a renewal~~ Renewal notices will be sent by the department as specified in [NEW RULE V]. ~~to each certificate holder to the last address in the program's files. Failure to receive such notice shall not relieve the certificate holder of the holder's obligation to pay renewal~~ Renewal fees in such a manner that they are must be received by the department on or before the renewal date as set by ARM 8.2.208.

(2) A renewed certificate shall be valid for ~~two years~~ the time period length listed under the renewal frequency in ARM 8.2.208 following the ~~expiration~~ renewal date of the previously held certificate.

(3) A default in the payment of a renewal fee after the date it is due increases the renewal fee as prescribed by the department in [NEW RULE III]. A certificate holder, that has not received ~~his/her~~ the certificate from the department due to failure of the certificate holder to meet continuing education requirements or to pay the renewal fee, will be notified in writing by the department. The certificate holder shall

have 12 months from the renewal date to obtain continuing education acceptable to the department.

~~(4) It is unlawful for a person who refuses or fails to pay the renewal fee to practice as a certified chemical dependency in this state. The provisions of [NEW RULE VI] apply.~~

~~(5) A non-renewed certificate is lapsed. A lapsed certificate that is not renewed within one year of the most recent renewal date automatically terminates. The terminated certificate may not be reinstated, and a new original certificate must be obtained by passing a qualifying examination and paying the appropriate fees.~~

AUTH: 37-1-141, 37-35-103, MCA

IMP: 37-1-141, 37-35-203, MCA

REASON: See general statement of reasonable necessity.

8.11.118 CONTINUING EDUCATION PROCEDURES AND DOCUMENTATION ~~(1) Certificates must be renewed by June 30th of each two-year renewal period according to the department audit process.~~

~~(2) The department shall provide the renewal application form and instructions for the audit process to all counselors at least three months in advance of the renewal date.~~

~~(3) (1) Certificate holders shall affirm their understanding of and compliance with the continuing education requirements and the audit process of renewal with the signing of the renewal form.~~

~~(4) through (8) remain the same but are renumbered (2) through (6).~~

AUTH: 37-1-319, 37-35-103, MCA

IMP: 37-1-306, 37-35-203, MCA

REASON: The department has determined it is reasonable and necessary to amend this rule to delete (1) and (2). The renewal requirements are being amended out because they are unnecessary and are duplicative of requirements in ARM 8.11.115. Also, removing the renewal requirements will make the rule more closely conform to ARM 1.2.215 in keeping rules to contain a single idea. Removal of these sections eliminates the potential for conflicts between rules.

7. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Kathy Lubke, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to DLIBSDHouseBill182@mt.gov, and must be received no later than 5:00 p.m., March 28, 2006.

8. An electronic copy of this Notice of Public Hearing is available through the Department's and Board's site on the World Wide Web at <http://www.mt.gov/dli/bsd/license/rules.asp>. The Department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed

in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

9. The Division, and each Board and Program maintain a list of interested persons who wish to receive notices of rulemaking actions proposed by the Division, Board or Program. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding Division, and/or which Board or Program administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to Kathy Lubke, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to klubke@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

10. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

11. Kathy Lubke, Administrative Rules Specialist, has been designated to preside over and conduct this hearing.

/s/ VIVIAN V. HAMMILL

Vivian V. Hammill

Rule Reviewer

/s/ KEITH KELLY

Keith Kelly, Commissioner

DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 13, 2006